
ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

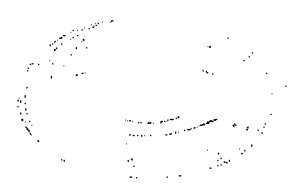
TWELFTH CONGRESS.—FIRST SESSION.

THE
DEBATES AND PROCEEDINGS
IN THE
CONGRESS OF THE UNITED STATES;
WITH
AN APPENDIX,
CONTAINING
IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,
AND ALL
THE LAWS OF A PUBLIC NATURE;
WITH A COPIOUS INDEX.

TWELFTH CONGRESS—FIRST SESSION.
COMPRISING THE PERIOD FROM NOVEMBER 4, 1811, TO JULY 6, 1812,
INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS.

WASHINGTON:
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.....
1853.



PROCEEDINGS AND DEBATES

OF

THE SENATE OF THE UNITED STATES,

AT THE FIRST SESSION OF THE TWELFTH CONGRESS, BEGUN AT THE CITY OF
WASHINGTON, MONDAY, NOVEMBER 4, 1811.

MONDAY November 4, 1811.

The first session of the Twelfth Congress commenced this day at the City of Washington, conformably to the proclamation of the President of the United States, of the 24th of July last, and the Senate assembled in their Chamber.

PRESENT:

GEORGE CLINTON, Vice President of the United States and President of the Senate.

NICHOLAS GILMAN and CHARLES CUTTS, from New Hampshire.

CHAUNCEY GOODRICH and SAMUEL W. DANA, from Connecticut.

STEPHEN R. BRADLEY, from Vermont.

JOHN SMITH and OBEDIAH GERMAN, from New York.

JOHN CONDIT and JOHN LAMBERT, from New Jersey.

ANDREW GREGG and MICHAEL LEIB, from Pennsylvania.

OUTERBRIDGE HORSEY, from Delaware.

SAMUEL SMITH and PHILIP REED, from Maryland.

WILLIAM B. GILES, from Virginia.

JESSE FRANKLIN, from North Carolina.

JOHN GAILLARD and JOHN TAYLOR, from South Carolina.

WILLIAM H. CRAWFORD and CHARLES TAIT, from Georgia.

JOHN POPE, from Kentucky.

JOSEPH ANDERSON, from Tennessee.

THOMAS WORTHINGTON, from Ohio.

GEORGE M. BIBB, appointed a Senator by the Legislature of the State of Kentucky, for the term of six years, commencing on the 4th day of March last; GEORGE W. CAMPBELL, appointed a Senator by the Legislature of the State of Tennessee, in place of JENKIN WHITESIDE, resigned; JEREMIAH B. HOWELL, appointed a Senator, for the term of six years, commencing on the fourth day of March last, by the Legislature of the State of Rhode Island and Providence Plantations; JOSEPH B. VARNUM, appointed a Senator by the Legislature of the State of Massachusetts, for the term of six years, commencing on the fourth day of March last; respectively produced their creden-

tials, which were read, and the oath prescribed by law was administered to them, and they took their seats in the Senate.

The oath was also administered to Messrs. CONDIT, CRAWFORD, GILES, GILMAN, and TAYLOR, their credentials having been read and filed during the last session.

Ordered, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled and ready to proceed to business.

Resolved, That each Senator be supplied, during the present session, with three such newspapers printed in any of the States as he may choose, provided that the same be furnished at the usual rate for the annual charge of such papers; and provided, also, that if any Senator shall choose to take any newspapers other than daily papers, he shall be supplied with as many such papers as shall not exceed the price of three daily papers.

On motion of Mr. GREGG,

Resolved, That the Senate will, to-morrow, at twelve o'clock, proceed to a choice of a Door-keeper, who shall also discharge the duty of Sergeant-at-Arms.

Mr. TAYLOR presented the memorial of Joseph Wheaton, praying remuneration for services rendered the United States in the Revolutionary war, and compensation for losses sustained therein.

A message from the House of Representatives informed the Senate that a quorum of the House of Representatives is assembled, and have elected HENRY CLAY, Esq., one of the Representatives from the State of Kentucky, their Speaker, and are ready to proceed to business. They have appointed a committee on their part, jointly with such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and notify him that a quorum of the two Houses is assembled and ready to receive any communications that he may be pleased to make to them.

The Senate concurred in the appointment of a joint committee on their part, agreeably to the resolution last mentioned; and Messrs. ANDERSON and GAILLARD were appointed the committee.

The Senate then adjourned.

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TUESDAY, November 5.

RICHARD BRENT, from the State of Virginia, attended.

Mr. ANDERSON reported, from the joint committee, that they had waited on the President of the United States, and that the President informed the committee that he would make a communication to the two Houses this day, at twelve o'clock.

On motion, by Mr. LEIB, a committee was appointed agreeably to the forty-second rule for conducting business in the Senate; and, Messrs. LEIB, FRANKLIN, and CUTTS, were appointed the committee.

On motion, by Mr. GILMAN, a committee was appointed agreeably to the 22d rule for conducting business in the Senate; and Messrs GILMAN, CAMPBELL, of Tennessee, and BIBB, were appointed the committee.

On motion, by Mr. FRANKLIN, the Senate proceeded to the election of a Doorkeeper, agreeably to the resolution of yesterday, and the whole number of ballots collected was 27, of which MOUNTJOY BAYLY had 20, and was accordingly elected, in the place of James Mathers, deceased.

ANNUAL MESSAGE.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Fellow-citizens of the Senate
and House of Representatives:*

In calling you together sooner than a separation from your homes would otherwise have been required, I yielded to considerations drawn from the posture of our foreign affairs; and in fixing the present, for the time of your meeting, regard was had to the probability of further developments of the policy of the belligerent Powers towards this country, which might the more unite the National Councils in the measures to be pursued.

At the close of the last session of Congress, it was hoped that the successive confirmations of the extinction of the French decrees, so far as they violated our neutral commerce, would have induced the Government of Great Britain to repeal its Orders in Council, and thereby authorize a removal of the existing obstructions to her commerce with the United States.

Instead of this reasonable step towards satisfaction and friendship between the two nations, the Orders were, at a moment when least to have been expected, put into more rigorous execution; and it was communicated through the British Envoy just arrived, that, whilst the revocation of the edicts of France, as officially made known to the British Government, was denied to have taken place, it was an indispensable condition of the repeal of the British Orders that commerce should be restored to a footing that would admit the productions and manufactures of Great Britain, when owned by neutrals, into markets shut against them by her enemy; the United States being given to understand that, in the mean time, a continuance of their non-importation act would lead to measures of retaliation.

At a later date, it has indeed appeared that a communication to the British Government, of fresh evidence of the repeal of the French decrees against our neutral trade, was followed by an intimation that it had been transmitted to the British Plenipotentiary here,

in order that it might receive full consideration in the depending discussions. This communication appears not to have been received; but the transmission of it hitherto, instead of founding on it an actual repeal of the orders, or assurances that the repeal would ensue, will not permit us to rely on any effective change in the British Cabinet. To be ready to meet with cordiality satisfactory proofs of such a change, and to proceed, in the mean time, in adapting our measures to the views which have been disclosed through that Minister, will best consult our whole duty.

In the friendly spirit of those disclosures, indemnity and redress for other wrongs have continued to be withheld; and our coasts, and the mouths of our harbors, have again witnessed scenes not less derogatory to the dearest of our national rights, than vexatious to the regular course of our trade.

Among the occurrences produced by the conduct of British ships of war hovering on our coasts, was an encounter between one of them and the American frigate commanded by Captain Rodgers, rendered unavoidable on the part of the latter, by a fire, commenced without cause, by the former; whose commander is therefore alone chargeable with the blood unfortunately shed in maintaining the honor of the American flag. The proceedings of a court of inquiry, requested by Captain Rodgers, are communicated, together with the correspondence relating to the occurrence between the Secretary of State and His Britannic Majesty's Envoy. To these are added the several correspondences which have passed on the subject of the British Orders in Council; and to both, the correspondence relating to the Floridas, in which Congress will be made acquainted with the interposition which the Government of Great Britain has thought proper to make against the proceeding of the United States.

The justice and fairness which have been evinced on the part of the United States towards France, both before and since the revocation of her decrees, authorized an expectation that her Government would have followed up that measure by all such others as were due to our reasonable claims, as well as dictated by its amicable professions. No proof, however, is yet given of an intention to repair the other wrongs done to the United States, and particularly to restore the great amount of American property seized and condemned under edicts which, though not affecting our neutral relations, and therefore not entering into questions between the United States and other belligerents, were, nevertheless, founded in such unjust principles that the reparation ought to have been prompt and ample.

In addition to this and other demands of strict right on that nation, the United States have much reason to be dissatisfied with the rigorous and unexpected restrictions to which their trade with the French dominions has been subjected; and which, if not discontinued, will require at least corresponding restrictions on importations from France into the United States.

On all those subjects, our Minister Plenipotentiary, lately sent to Paris, has carried with him the necessary instructions; the result of which will be communicated to you, and by ascertaining the ulterior policy of the French Government towards the United States, will enable you to adapt to it that of the United States towards France.

Our other foreign relations remain without unfavorable changes. With Russia they are on the best footing of friendship. The ports of Sweden have afforded proofs of friendly dispositions towards our commerce

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in the Councils of that nation also. And the information from our special Minister to Denmark, shows that the mission had been attended with valuable effects to our citizens, whose property had been so extensively violated and endangered by cruisers under the Danish flag.

Under the ominous indications which commanded attention, it became a duty to exert the means committed to the Executive department in providing for the general security. The works of defence on our maritime frontier have accordingly been prosecuted with an activity leaving little to be added for the completion of the most important ones; and, as particularly suited for co-operation in emergencies, a portion of the gunboats have, in particular harbors, been ordered into use. The ships of war before in commission, with the addition of a frigate, have been chiefly employed as a cruising guard to the rights of our coast. And such a disposition has been made of our land forces, as was thought to promise the services most appropriate and important. In this disposition is included a force, consisting of regulars and militia, embodied in the Indiana Territory, and marched towards our Northwestern frontier.* This measure was made requisite by the several murders and depredations committed by Indians, but more especially by the menacing preparations and aspect of a combination of them on the Wabash, under the influence and direction of a fanatic of the Shawanese tribe. With these exceptions, the Indian tribes retain their peaceable dispositions towards us, and their usual pursuits.

I must now add that the period is arrived which claims from the Legislative guardians of the national rights a system of more ample provisions for maintaining them. Notwithstanding the scrupulous justice, the protracted moderation, and the multiplied efforts, on the part of the United States, to substitute for the accumulating dangers to the peace of the two countries, all the mutual advantages of re-established friendship and confidence, we have seen that the British Cabinet persevere, not only in withholding a remedy for other wrongs, so long and so loudly calling for it, but in the execution, brought home to the threshold of our territory, of measures which, under existing circumstances, have the character, as well as the effect, of war on our lawful commerce.

With this evidence of hostile inflexibility, in trampling on rights which no independent nation can relinquish, Congress will feel the duty of putting the United States into an armor and an attitude demanded by the crisis, and corresponding with the national spirit and expectations.

I recommend, accordingly, that adequate provision be made for filling the ranks and prolonging the enlistments of the regular troops; for an auxiliary force, to be engaged for a more limited term; for the acceptance of volunteer corps, whose patriotic ardor may court a participation in urgent services; for detachments, as they may be wanted, of other portions of the militia; and for such a preparation of the great body as will proportion its usefulness to its intrinsic capacities. Nor can the occasion fail to remind you of the importance of those military seminaries which, in every event, will form a valuable and frugal part of our Military Establishment.

The manufacture of cannon and small arms has proceeded with due success; and the stock and resources of all the necessary munitions are adequate to emergencies. It will not be inexpedient, however, for Congress to authorize an enlargement of them.

Your attention will, of course, be drawn to such provisions on the subject of our naval force as may be required for the services to which it may be best adapted. I submit to Congress the seasonableness also of an authority to augment the stock of such materials as are imperishable in their nature, or may not at once be attainable.

In contemplating the scenes which distinguish this momentous epoch, and estimating their claims to our attention, it is impossible to overlook those developing themselves among the great communities which occupy the Southern portion of our hemisphere, and extend into our neighborhood. An enlarged philanthropy, and an enlightened forecast, concur in imposing on the national Councils an obligation to take a deep interest in their destinies, to cherish reciprocal sentiments of good will, to regard the progress of events, and not to be unprepared for whatever order of things may be ultimately established.

Under another aspect of our situation, the early attention of Congress will be due to the expediency of further guards against evasions and infractions of our commercial laws. The practice of smuggling, which is odious everywhere, and particularly criminal in free Governments, where the laws being made by all for the good of all, a fraud is committed on every individual as well as on the State, attains its utmost guilt when it blends, with a pursuit of ignominious gain, a treacherous subserviency in the transgressors to a foreign policy, adverse to that of their own country. It is then that the virtuous indignation of the public should be enabled to manifest itself through the regular administrations of the most competent laws.

To secure greater respect to our mercantile flag, and to the honest interests which it covers, it is expedient also that it be made punishable in our citizens to accept licenses from foreign Governments for a trade unlawfully interdicted by them to other American citizens; or to trade under false colors or papers of any sort.

A prohibition is equally called for against the acceptance, by our citizens, of special licenses to be used in a trade with the United States; and against the admission into particular ports of the United States of vessels from foreign countries authorized to trade with particular ports only.

Although other subjects will press more immediately on your deliberations, a portion of them cannot but be well bestowed on the just and sound policy of securing to our manufactures the success they have attained, and are still attaining, in some degree, under the impulse of causes not permanent; and to our navigation the fair extent of which it is at present abridged by the unequal regulations of foreign Governments.

Besides the reasonableness of saving our manufacturers from sacrifices which a change of circumstances might bring on them, the national interest requires that, with respect to such articles at least as belong to our defence and our primary wants, we should not be left in unnecessary dependence on external supplies. And whilst foreign Governments adhere to the existing discriminations in their ports against our navigation, and an equality or lesser discrimination is enjoyed by their navigation in our ports, the effect cannot be mistaken, because it has been seriously felt by our shipping interests; and in proportion as this takes place, the advantages of an independent conveyance of our products to foreign markets, and of a growing body of mariners, trained by their occupation for the service of their country in times of danger, must be diminished.

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The receipts into the Treasury during the year ending on the thirtieth of September last, have exceeded thirteen millions and a half of dollars, and have enabled us to defray the current expenses, including the interest on the public debt, and to reimburse more than five millions of dollars of the principal, without recurring to the loan authorized by the act of the last session. The temporary loan obtained in the latter end of the year one thousand eight hundred and ten, has also been reimbursed, and is not included in that amount.

The decrease of revenue arising from the situation of our commerce and the extraordinary expenses which have and may become necessary, must be taken into view, in making commensurate provisions for the ensuing year. And I recommend to your consideration the propriety of insuring a sufficiency of annual revenue, at least to defray the ordinary expenses of Government, and to pay the interest on the public debt, including that on new loans which may be authorized.

I cannot close this communication without expressing my deep sense of the crisis in which you are assembled, my confidence in a wise and honorable result to your deliberations, and assurances of the faithful zeal with which my co-operating duties will be discharged; invoking, at the same time, the blessing of Heaven on our beloved country, and on all the means that may be employed in vindicating its rights and advancing its welfare.

JAMES MADISON.

WASHINGTON, November 5, 1811.

The Message and part of the documents therein referred to were read, and three hundred copies of the Message and of the documents, so far as they have been read, ordered to be printed for the use of the Senate.

WEDNESDAY, November 6.

JAMES LLOYD, from the State of Massachusetts, took his seat in the Senate.

The Senate proceeded in reading the documents referred to in the Message of the President of the United States of yesterday. And, after progress, adjourned.

THURSDAY, November 7.

The Senate proceeded in reading the documents referred to in the Message of the President of the United States of the 5th instant; and ordered that nine hundred and fifty copies of the Message and documents, in addition to the three hundred already ordered, be printed for the use of the Senate, making in the whole one thousand two hundred and fifty copies.

The following motions were submitted by Mr. GILES for consideration:

Resolved, That so much of the Message of the President of the United States as concerns the relations between the United States and France and Great Britain, with the accompanying documents, be referred to a select committee, with instructions to examine and report thereon to the Senate, and that the committee have leave to report by bill, bills, or otherwise.

Resolved, That so much of the Message of the President of the United States as relates to the encounter between an American frigate and a British ship of

war, with the accompanying documents, be referred to a select committee, with instructions to examine the same and report thereon to the Senate.

Resolved, That so much of the Message of the President of the United States as relates to the evasions and infractions of the commercial laws thereof, be referred to a select committee, with instructions to examine into the subject and report thereon to the Senate, and that the committee have leave to report by bill, bills, or otherwise.

Resolved, That so much of the Message of the President of the United States as relates to the manufactures thereof, be referred to a select committee, with instructions to examine into that subject, and report thereon to the Senate, and that the committee have leave to report by bill, bills, or otherwise.

FRIDAY, November 8.

On motion, by Mr. SMITH, of Maryland,

Resolved, That Mountjoy Bayly, Doorkeeper and Sergeant at-Arms to the Senate, be, and he is hereby, authorized to employ one assistant and two horses, for the purpose of performing such services as are usually required by the Doorkeeper to the Senate, and that the sum of twenty-eight dollars be allowed him weekly for that purpose, to commence with, and remain during the session and for twenty days after.

Mr. LEIS gave notice that on Monday he should ask leave to bring in a bill to authorize the transportation of certain documents free of postage.

Mr. VARNUM submitted the following motion for consideration:

Resolved, That two Chaplains, of different denominations, be appointed to Congress during the present session, one by each House, who shall interchange weekly.

Mr. WORTHINGTON submitted the following motion for consideration:

Resolved, That so much of the Message of the President of the United States as relates to Indian affairs, be referred to a select committee, with instructions to examine into that subject, and report thereon to the Senate, and that the committee have leave to report by bill, bills, or otherwise.

The PRESIDENT communicated a resolution of the Republican Corresponding Society, met at Brookville, in the Indiana Territory, enjoining it on their Delegate in Congress to use his exertions in favor of a law authorizing the people of that Territory to elect their sheriffs and magistrates once in two years; which was read.

Mr. SMITH, of Maryland, gave notice that on Monday he should ask leave to bring in a bill making further provision for the Corps of Engineers.

The Senate resumed the consideration of the motion submitted yesterday, "that so much of the Message of the President of the United States as concerns the relations between the United States and France and Great Britain, with the accompanying documents, be referred to a select committee, with instructions to examine and report thereon to the Senate; and that the committee have leave to report by bill, bills, or otherwise;" and, having agreed, thereto, Messrs.

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GILES, CRAWFORD, GREGG, FRANKLIN, LLOYD, BRADLEY, and POPE, were appointed the committee.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I now lay before Congress two letters to the Department of State, one from the present Plenipotentiary of France, the other from his predecessor, which were not included among the documents accompanying my Message of the 5th instant, the translation of them being not then completed.

JAMES MADISON.

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The Message and letters therein referred to were read, and twelve hundred and fifty copies thereof ordered to be printed for the use of the Senate, and annexed to the documents with the Message of the 5th instant.

The Senate resumed the consideration of the motion submitted yesterday, "that so much of the Message of the President of the United States as relates to the evasions and infractions of the commercial laws thereof, be referred to a select committee, with instructions to examine into the subject and report thereon to the Senate, and that the committee have leave to report by bill, bills, or otherwise;" and having agreed thereto, Messrs. SMITH of Maryland, TAYLOR, GILMAN, GOODRICH, and ANDERSON, were appointed the committee.

On motion by Mr. ANDERSON, the consideration of the other resolutions submitted yesterday was postponed till Monday.

MONDAY, November 11.

JAMES TURNER, appointed a Senator by the Legislature of the State of North Carolina, for the term of six years, commencing on the 4th day of March last, produced his credentials; which were read, and the oath prescribed by law was administered to him, and he took his seat in the Senate.

Mr. LEIN asked and obtained leave to bring in a bill to authorize the transportation of certain documents free of postage; and the bill was read the first and second time by unanimous consent, and ordered to be engrossed and read a third time.

The Senate resumed the consideration of the motion of the 7th instant, "that so much of the Message of the President of the United States as relates to the manufactures thereof, be referred to a select committee, with instructions to examine into that subject, and report thereon to the Senate; and that the committee have leave to report by bill, bills, or otherwise." And having agreed to the motion, Messrs. VARNUM, WORTHINGTON, BRADLEY, CONDIT, and DANA, were appointed the committee.

The consideration of the other resolution, submitted the 7th instant, was further postponed.

The Senate resumed the consideration of the motion made on the 8th instant, "that so much of the Message of the President of the United States as relates to Indian affairs be referred to a select committee, with instructions to exam-

ine into that subject, and report thereon to the Senate; and that the committee have leave to report by bill, bills, or otherwise." And having agreed thereto, Messrs. WORTHINGTON, POPE, CAMPBELL of Tennessee, CRAWFORD, and GREGG, were appointed the committee.

The Senate resumed the motion made the 8th instant, for the appointment of Chaplains, and agreed thereto.

Mr. BRADLEY presented the petition of the Directors of the Washington Canal Company, praying to be empowered by law to raise the sum of \$52,500, by small annual lotteries, as authorized by an act of the Legislature of the State of Maryland, of November, 1795, to enable them to complete the canal, and to drain the ground through which it runs; and the petition was read, and ordered to lie on the table.

Mr. LLOYD presented the memorial and petition of J. and E. Phillips and others, citizens of the United States, resident in Boston, in the district of Massachusetts, importers of iron and other hardware from England, praying that provision may be made by law for the importation of such goods, wares, and merchandise, as were by them *bona fide* purchased on or before the 2d day of February last, in the dominions of Great Britain; or such other relief as the wisdom and justice of Congress may devise. And the petition was read, and ordered to lie on the table.

TUESDAY, November 12.

ALEXANDER CAMPBELL, from the State of Ohio, took his seat in the Senate.

Mr. GILES presented the petition of Larkin Smith, collector of the district of Norfolk and Portsmouth, in Virginia, praying additional compensation, for reasons stated at large in his petition; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise. Messrs. GILES, SMITH of Maryland, and BRADLEY, were appointed the committee.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the transportation of certain documents free of postage;" in which they desire the concurrence of the Senate. They concur in the resolution of the Senate, of the 11th instant, for the appointment of Chaplains.

The bill brought up for concurrence was twice read, by unanimous consent, and ordered to the third reading.

Mr. SMITH, of Maryland, asked and obtained leave to bring in a bill making further provision for the Corps of Engineers. The bill was read, and ordered to the second reading.

On motion by Mr. BRADLEY, the petition of the President and Directors of the Washington Canal Company, presented yesterday, was referred to a select committee, to consider and report thereon by bill or otherwise. Messrs. BRADLEY, SMITH of Maryland, and GAILLARD, were appointed the committee.

On motion of Mr. LLOYD, the petition of J. and

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E. Phillips and others, presented yesterday, was referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. LLOYD, BRADLEY, and FRANKLIN, were appointed the committee.

WEDNESDAY, November 13.

The PRESIDENT communicated the memorial of Matthew Lyon, stating that he was fined and imprisoned under the law commonly called the sedition act, and praying remission of the fine, for reasons stated at large in his memorial; which was read.

The bill making further provision for the Corps of Engineers was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. SMITH of Maryland, ANDERSON, BRADLEY, CRAWFORD, and GERMAN, were appointed the committee.

Mr. BRADLEY gave notice that to-morrow he should ask leave to bring in a bill for the relief of Charles Minifie.

The bill from the House of Representatives, entitled "An act to authorize the transportation of certain documents free of postage," was read the third time, and passed.

On motion by Mr. BRADLEY, the bill originating in the Senate to authorize the transportation of certain documents free of postage, was postponed to the first Monday in December next.

The Senate proceeded to the election of a Chaplain to Congress on their part, in pursuance of the resolution of the two Houses; and, on counting the ballots, it appeared that the Rev. JOHN BRECKENRIDGE had a majority, and was accordingly elected.

Mr. SMITH, of Maryland, submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be laid before this House, information whether tobacco of the growth of the United States may be purchased by the regie to the full extent of the consumption of France; if not, in what proportion may such tobacco be purchased by the regie; whether the supplies of tobacco imported into France (and which may be transported through France into Germany and other European States) is subjected to a transit duty; if so, what is the amount of such duty. And, also, to cause to be laid before this House a tariff of the duties imposed by France on such of the produce and manufactures of the United States the entry of which is permitted, and particularly of tobacco, cotton, fish oil, and dried fish, and stating (if any) the difference of duty charged on such goods imported from the United States, and similar articles when introduced into France from other States, either over land or otherwise.

Mr. WORTHINGTON submitted the following motion for consideration:

Resolved, That a committee be appointed to inquire if any, and, if any, what, further provision or alterations are necessary for the disposition of the public lands of the United States, and that they have leave to report by bill or otherwise.

THURSDAY, November 14.

The Senate resumed the motion made yesterday, by Mr. SMITH, of Maryland; and, on motion by Mr. LLOYD, it was agreed that the further consideration thereof be postponed until to-morrow.

The Senate resumed the motion made yesterday, by Mr. WORTHINGTON; and,

Resolved, That a committee be appointed to inquire if any, and, if any, what, further provisions or alterations are necessary for the disposition of the public lands of the United States, and that they have leave to report by bill or otherwise.

Messrs. WORTHINGTON, FRANKLIN, GREGG, GOODRICH, and BRADLEY, were appointed the committee.

Mr. BRADLEY asked and obtained leave to bring in a bill for the relief of Charles Minifie; and the bill was read and passed to a second reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

I communicate to Congress copies of a correspondence between the Envoy Extraordinary and Minister Plenipotentiary of Great Britain and the Secretary of State, relative to the aggressions committed by a British ship of war on the United States frigate Chesapeake, by which it will be seen that that subject of difference between the two countries is terminated by an offer of reparation, which has been acceded to.

JAMES MADISON.

WASHINGTON, Nov. 13, 1811.

The Message and papers therein referred to were read and ordered to lie on the table.

The following Message was also received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

I lay before Congress the result of the census lately taken of the inhabitants of the United States, with a letter from the Secretary of State relative thereto.

JAMES MADISON.

NOVEMBER 13, 1811.

The Message and documents therein referred to were read and ordered to lie on the table.

FRIDAY, November 15.

A message from the House of Representatives informed the Senate that the House have appointed the Reverend Mr. SNETHEN Chaplain to Congress for the present session, on their part.

The bill for the relief of Charles Minifie was read the second time, and referred to a select committee, to consider and report thereon; and on balloting, Messrs. GILES, BRADLEY, and GOODRICH, were elected.

On motion by Mr. BRADLEY, he was excused, as was also Mr. GREGG, standing the next highest on the ballot; and it was agreed that Messrs. GILES, GOODRICH, and FRANKLIN, be the committee.

The Senate resumed the motion made the 13th instant, by Mr. SMITH, of Maryland; and, on motion, by Mr. TAYLOR, it was agreed that the fur-

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ther consideration thereof be postponed to Monday next.

Mr. CAMPBELL, of Ohio, gave notice, that on Monday next he should ask leave to bring in a bill to authorize the surveying and marking of certain roads in the State of Ohio, as contemplated by the treaty of Brownstown, in the Territory of Michigan.

On motion, by Mr. LEIB, the Secretary of the Senate was directed to procure, from the Department of State, a proportionate number of the printed copies of the third census for the use of the members, which the Message of the President of the United States announced as being in that Department, subject to the order of Congress.

MONDAY, November 18.

Mr. CAMPBELL, of Ohio, asked and obtained leave to bring in a bill to authorize the surveying and marking of certain roads in the State of Ohio, as contemplated by the treaty of Brownstown, in the Territory of Michigan; and the bill was read, and passed to the second reading.

The Senate resumed the consideration of the motion made the 13th instant, by Mr. SMITH, of Maryland; and, on motion, by Mr. LLOYD, the original motion was amended and agreed to as follows:

Resolved, That the President of the United States be requested to cause to be laid before this House information whether tobacco of the growth of the United States may be purchased by the Administration en regie to the full extent of the consumption of France; if not, in what proportion may such tobacco be purchased by the Administration en regie; whether the surplus of tobacco imported into France (and which may be transported through France and Germany and other European States) is subjected to a transit duty; if so, what is the amount of such duty: And whether the surplus above mentioned may be exported by sea to any country in amity with France. And also, to cause to be laid before this House a tariff of the duties imposed by France on such of the produce and manufactures of the United States, the entry of which is permitted, and particularly of tobacco, cotton, fish oil, and dried fish, and stating (if any) the difference of duty charged on such goods imported from the United States and similar articles when introduced into France from other States, either over land or otherwise.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to alter the time of holding one of the terms of the district court in the District of Maine;" in which they desire the concurrence of the Senate.

The bill last brought up for concurrence was read, and passed to the second reading.

TUESDAY, November 19.

The bill to authorize the surveying and marking of certain roads in the State of Ohio, as contemplated by the treaty of Brownstown, in the Territory of Michigan, was read the second time and referred to a select committee, to consider and report thereon, and Messrs. CAMPBELL, of Ohio,

WORTHINGTON, and BIBB, were appointed the committee.

The bill, entitled "An act to alter the time of holding one of the terms of the district court in the District of Maine," was read the second time, and ordered to a third reading.

WEDNESDAY, November 20.

Mr. SMITH, of Maryland, presented the memorial of the representatives of the Religious Society of Friends of the yearly meeting held in Baltimore, stating that a traffic has been carried on in negroes and people of color, in which those of the latter description, entitled to freedom, are frequently deprived thereof, and praying for a revision of the law in relation to this subject; and the memorial was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. SMITH, of Maryland, TAYLOR, and TAIT, were appointed the committee.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Abraham Whipple, late a Captain in the Navy of the United States;" also, a bill entitled "An act extending the time for opening the several Land Offices established in the Territory of Orleans;" in which bills they desire the concurrence of the Senate.

The bills last mentioned were read, and severally passed to the second reading.

The bill entitled "An act to alter the time of holding one of the terms of the district court in the District of Maine;" was read the third time and passed.

THURSDAY, November 21.

The bill, entitled "An act extending the time for opening the several Land Offices established in the Territory of Orleans," was read the second time, and referred to a select committee, to consider and report thereon, and Messrs. CAMPBELL, of Ohio, FRANKLIN, and CUTTS, were appointed the committee.

The bill, entitled "An act for the relief of Abraham Whipple, late a Captain in the Navy of the United States," was read the second time, and referred to a select committee to consider and report thereon; and Messrs. BRADLEY, FRANKLIN, and GOODRICH, were appointed the committee.

FRIDAY, November 22.

JONATHAN ROBINSON, from the State of Vermont, took his seat in the Senate.

Mr. CAMPBELL, of Ohio, from the committee to whom was referred the bill to authorize the surveying and marking of certain roads in the State of Ohio, as contemplated by the treaty of Brownstown, in the Territory of Michigan, reported the bill without amendment, and the bill was considered as in Committee of the Whole, and no amendments having been proposed, the bill was ordered to be engrossed and read a third time.

Mr. TAIT presented the petition of Thomas O'Bannon, a citizen of Madison county, in the

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Mississippi Territory, stating that he had entered at the Land Office for said county a quarter section of land and paid the first instalment, and obtained a certificate, but that he had since discovered that the boundaries were erroneously marked by the surveyor, and praying relief; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise. Messrs. TAIT, REED, and CAMPBELL, of Ohio, were appointed the Committee.

MONDAY, November 25.

WILLIAM HUNTER, appointed a Senator by the Legislature of the State of Rhode Island and Providence Plantations, in place of Christopher Grant Champlin, resigned, produced his credentials, was qualified, and took his seat in the Senate.

Mr. SMITH, of New York, presented the memorial of Howard, Fitch, and Lloyd, native citizens of the United States, and merchants of the city of New York, stating, that, in consequence of an agreement concluded on the 22d October, 1808, they have at this time a large quantity of furs lying in Montreal, for which they have actually paid, but are prevented, by the existing non-importation act, from introducing into the United States, and praying relief; and the memorial was read, and referred to Messrs. LLOYD, BRADLEY, and FRANKLIN, the committee to whom was referred, on the 12th instant, the memorial of J. and E. Phillips and others, to consider and report thereon by bill or otherwise.

Mr. GILMAN, from the committee, reported the bill to authorize the surveying and marking of certain roads in the State of Ohio, as contemplated by the treaty of Brownstown, in the Territory of Michigan, correctly engrossed; and the bill was read the third time, and the blanks filled.

Resolved, That this bill pass, and that the title thereof be "An act to authorize the surveying and marking of certain roads in the State of Ohio, as contemplated by the treaty of Brownstown, in the Territory of Michigan."

A message from the House of Representatives informed the Senate that the House have passed a resolution for the appointment of a committee on their part, jointly with such committee as may be appointed on the part of the Senate, to have the direction of the money appropriated to purchase books for the use of the Library of the United States.

The resolution last mentioned was read.

The PRESIDENT laid before the Senate the report of the Secretary for the Department of the Treasury, prepared in obedience to the act, entitled "An act to establish the Treasury Department," which, together with the accompanying documents, were read and ordered to lie on the table.

TUESDAY, November 26.

Mr. GILES presented the memorial of Robert R. Livingston and Robert Fulton, praying for a further extension of their patents granted for steamboats, for reasons therein stated at large;

and the memorial was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. GILES, BRADLEY, and CRAWFORD, were appointed the committee.

Mr. LEIB gave notice that to-morrow he should ask leave to bring in a bill making a further appropriation for the support of a library.

Mr. LLOYD stated that one of the signers of the memorial of Howard, Fitch, and Lloyd, is a distant relation, and on his suggestion, the committee to whom the memorial was yesterday referred was excused; and it was referred to Messrs. GOODRICH, SMITH of Maryland, and BRADLEY, to consider and report thereon by bill or otherwise.

Mr. BRADLEY called up the petition of Moses Austin and John R. Jones, presented on the 21st January last, praying an incorporation of themselves and such other persons as shall hereafter subscribe to an institution for the purpose of mining and smelting of lead; and the petition was read and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. BRADLEY, CUTTS, and GREGG, were appointed the committee.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the apportionment of Representatives among the several States, according to the third enumeration;" in which bill they desire the concurrence of the Senate.

The bill last brought up for concurrence was read, and passed to the second reading.

WEDNESDAY, November 27.

Mr. CAMPBELL, of Ohio, from the committee to whom was referred the bill, entitled "An act extending the time for opening the several land offices established in the Territory of Orleans," reported the bill amended; and the amendment was read and agreed to, as in Committee of the Whole; and the President reported the bill to the House accordingly; and the bill was ordered to be read a third time as amended.

The bill, entitled "An act for the apportionment of Representatives among the several States, according to the third census," was read the second time and made the order of the day for Monday next.

Pursuant to notice given, Mr. LEIB asked and obtained leave to bring in a bill making a further appropriation for the support of a library; and the bill was read and passed to the second reading.

Mr. BRADLEY, from the committee to whom was referred the bill, entitled "An act for the relief of Abraham Whipple, late a Captain in the Navy of the United States," reported it without amendment, and it was ordered to a third reading.

THURSDAY, November 28.

Mr. SMITH, of Maryland, from the Committee to whom was referred the bill making further provision for the Corps of Engineers, reported it without amendment.

The bill making a further appropriation for the

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support of a library was read a second time; and ordered to be engrossed and read a third time.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Josiah H. Webb;" in which they desire the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

Mr. GILMAN, from the committee, reported the amendment to the bill, entitled "An act extending the time for opening the several land offices established in the Territory of Orleans," correctly engrossed; and the bill was read the third time as amended, and passed.

Mr. TAIT, from the committee appointed to consider the subject, reported a bill for the relief of Thomas O'Bannon, and the bill was read, and passed to the second reading.

JAMES A. BAYARD, from the State of Delaware, took his seat in the Senate.

FRIDAY, November 29.

The oath prescribed by law was administered to Mr. BAYARD, his credentials having been read and filed during the last session.

Mr. GILMAN, from the committee, reported the bill making a further appropriation for the support of a library, correctly engrossed; and the bill was read a third time and passed.

The bill for the relief of Thomas O'Bannon was read the second time.

The bill, entitled "An act for the relief of Josiah H. Webb," was read the second time.

The PRESIDENT laid before the Senate the report of the Secretary for the Department of the Treasury, prepared in obedience to the directions of the act, entitled "An act regulating the currency of foreign coins in the United States," passed April 10, 1806; and the report was read and ordered to lie on the table.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Abraham Whipple, late a Captain in the Navy of the United States;" and the bill was ordered to the third reading.

On motion, by Mr. GERMAN, it was agreed, that the bill making a further provision for the Corps of Engineers, be made the order of the day for Tuesday next.

MONDAY, December 2.

Mr. LEIB presented the petition of Thomas F. Wharton, of the city of Philadelphia, stating that he is the owner of the schooner *Espananza*, a Spanish built vessel, purchased at Sierra Leone in the year 1810, by Samuel Richardet, master of the schooner *Ariadne*, to bring home the cargo of the schooner last mentioned, she having been condemned as not seaworthy; and that at the time of the purchase of the *Espananza*, he had no knowledge of the act, entitled "An act to prevent the issuing of sea-letters, except to certain vessels," and praying relief; and the petition was read, and ordered to lie on the table.

Mr. CUTTS presented the petition of Thomas Brown, a citizen of Portsmouth, in New Hampshire, stating that the ship *General Eaton*, of which he was owner, sailed from London on the 27th November, 1810, and from the Downs on the 4th December following, bound to Charleston, in South Carolina, in ballast; and that, on the 6th of December, the said ship was captured by two French privateers and carried to Calais and there detained; and praying the interposition of the Legislature, for reasons stated in the petition; which was read, and referred to the Secretary for the Department of State, to consider and report thereon to the Senate.

Mr. REED submitted the following motion for consideration:

Resolved, That a committee be appointed to inquire whether any, and what, alterations are necessary in the rules and articles for the better government of the troops raised or to be raised by the United States, and that the committee have leave to report by bill, bills, or otherwise.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the apportionment of Representatives among the several States according to the third enumeration."

On motion, by Mr. BAYARD, to strike out of line five the words "thirty-seven," it was determined in the affirmative—yeas 18, nays 16, as follows:

YEAS—Messrs Bayard, Bradley, Crawford, Cutts, Dana, German, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Leib, Lloyd, Robinson, Smith of New York, Tait, and Varnum.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Ohio, Campbell of Tennessee, Condit, Franklin, Gaillard, Giles, Lambert, Pope, Reed, Smith of Maryland, Taylor, Turner, and Worthington.

On motion, by Mr. TAYLOR, to fill the blank with "forty," it was determined in the negative—yeas 13, nays 21, as follows:

YEAS—Messrs. Anderson, Bibb, Campbell of Tennessee, Condit, Franklin, Gaillard, Gilman, Gregg, Lambert, Leib, Pope, Taylor, and Turner.

NAYS—Messrs. Bayard, Bradley, Brent, Campbell of Ohio, Crawford, Cutts, Dana, German, Giles, Goodrich, Horsey, Howell, Hunter, Lloyd, Reed, Robinson, Smith of Maryland, Smith of New York, Tait, Varnum, and Worthington.

On motion, by Mr. BAYARD, to insert the words "thirty-five," in lieu of the words stricken out, it was determined in the negative—yeas 22, nays 12, as follows:

YEAS—Messrs. Bayard, Bradley, Brent, Crawford, Cutts, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Leib, Lloyd, Reed, Robinson, Smith of Maryland, Smith of New York, Tait, and Varnum.

NAYS—Messrs. Anderson, Bibb, Campbell of Ohio, Campbell of Tennessee, Condit, Franklin, Gaillard, Lambert, Pope, Taylor, Turner, and Worthington.

And the bill having been amended on the foregoing principles, the President reported it to the House accordingly; and the bill was ordered to be read a third time as amended.

The Senate resumed, as in Committee of the

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Whole, the bill, entitled "An act for the relief of Josiah H. Webb;" and it was ordered to the third reading.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Thomas O'Bannon; and it was ordered to be engrossed and read a third time.

The bill, entitled "An act for the relief of Abraham Whipple, late a Captain in the Navy of the United States," was read the third time, and passed.

Mr. GILMAN, from the committee, reported the amendments to the bill, entitled "An act for the apportionment of Representatives among the several States, according to the third enumeration," correctly engrossed.

On motion, by Mr. FRANKLIN, that the bill be now read the third time, it was objected to, by Mr. ANDERSON, as against the rule.

TUESDAY, December 3.

The Senate resumed the motion submitted yesterday, by Mr. REED; and,

Ordered, That a committee be appointed to inquire whether any, and what, alterations are necessary in the rules and articles for the better government of the troops raised or to be raised by the United States; and that the committee have leave to report by bill, bills, or otherwise.

Messrs. REED, ANDERSON, VARNUM, SMITH of Maryland, and BRADLEY, were appointed the committee.

The bill, entitled "An act for the relief of Josiah H. Webb," was read the third time, and passed.

Mr. BIBB, from the committee, reported the bill for the relief of Thomas O'Bannon correctly engrossed; and the bill was read the third time, and passed.

The bill, entitled "An act for the apportionment of Representatives among the several States, according to the third enumeration," was read the third time as amended, and passed.

The Senate resumed, as in Committee of the Whole, the bill making further provision for the Corps of Engineers; and the bill having been amended, the President reported it to the House accordingly.

On motion, by Mr. GERMAN, to strike out, from section 5, lines 4 and 5, the following words: "at such place as shall be designated by the President of the United States," it was determined in the affirmative—yeas 16, nays 11, as follows:

YEAS—Messrs. Campbell of Ohio, Condit, Cutts, German, Gilman, Goodrich, Howell, Hunter, Lambert, Leib, Lloyd, Reed, Robinson, Smith of Maryland, Smith of New York, and Varnum.

NAYS—Messrs. Anderson, Bibb, Bradley, Campbell of Tennessee, Crawford, Franklin, Gaillard, Tait, Taylor, Turner, and Worthington.

And further amendments having been agreed to, the bill was ordered to be engrossed and read a third time as amended.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act allowing further time for

completing the payments on certain lands, held by right of pre-emption, in the Mississippi Territory;" in which bill they desire the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

WEDNESDAY, December 4.

The PRESIDENT communicated the report of the Secretary of the Navy, on moneys transferred, during the last recess of Congress, from certain appropriations for particular branches of expenditure in that department, and of the application of such moneys; and the report was read.

The bill, entitled "An act allowing further time for completing the payments on certain lands held by right of pre-emption in the Mississippi Territory," was read the second time, and referred to a select committee to consider and report thereon; and Messrs. TAIT, BRADLEY, and FRANKLIN, were appointed the committee.

The Senate resumed the resolution of the House of Representatives, for the appointment of a committee to have the direction of the money appropriated to purchase books for the use of the Library, and concurred therein; and Messrs. LEIB, CONDIT, and SMITH, of Maryland, were appointed the committee.

Mr. GILMAN, from the committee, reported the bill making further provision for the Corps of Engineers correctly engrossed; and the bill was read the third time, and passed.

THURSDAY, December 5.

Mr. GILES, from the committee appointed on the subject, reported a bill for the relief of Robert Fulton and his associates; and the bill was read, and passed to the second reading.

Mr. BRADLEY presented the petition of Charlotte Hazen, relict of the late Brigadier General Moses Hazen, praying a grant of land to her as a Canadian refugee, for reasons stated at large in the petition; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise, and Messrs. BRADLEY, GREGG, and FRANKLIN, were appointed the committee.

Mr. CUTTS gave notice that to-morrow he should ask leave to bring in a bill to annex the towns of Kittery, Elliot, and Berwick, to the district of Portsmouth.

Mr. FRANKLIN presented the petition of David Porter, stating that he commanded the flotilla stationed at New Orleans during the existence of the laws prohibiting intercourse with France; and that he there seized and prosecuted, at his own expense, to condemnation, three vessels, the proceeds of which were distributed under the revenue laws, but that his proportion thereof did not amount to the cost of prosecution. He therefore prays Congress to relinquish to him their proportion of the penalties and forfeitures which may have been incurred by said seizures, as a remuneration for his services; and the petition was read, and referred to a select committee, to con-

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sider and report thereon by bill or otherwise; and Messrs. FRANKLIN, ANDERSON, and GOODRICH, were appointed the committee.

FRIDAY, December 6.

Mr. CUTTS asked and obtained leave to bring in a bill to annex the towns of Kittery, Elliot, and Berwick, to the district of Portsmouth; and the bill was read, and passed to the second reading.

Mr. GREGG presented the memorial of the President and Managers of the Union Canal Company of Pennsylvania, praying the aid of Congress to enable them to accomplish the object of their institution, as is stated at large therein; and the memorial was read, and referred to a select committee, to consist of five members, to consider and report thereon by bill or otherwise; and Messrs. GREGG, BAYARD, LLOYD POPE, and HORSEY, were appointed the committee.

A message from the House of Representatives informed the Senate that the House disagree to the amendments of the Senate to the bill, entitled "An act for the apportionment of Representatives among the several States, according to the third enumeration;" they ask a conference on the subject, and have appointed managers on their part.

On motion, by Mr. LEIB, that the Senate insist on their amendments to the bill last mentioned, it was determined in the affirmative—yeas 12, nays 13, as follows:

YEAS—Messrs. Anderson, Bayard, Bradley, Crawford, Cutts, Dana, German, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Leib, Lloyd, Reed, Robinson, Smith of Maryland, Smith of New York, Tait, and Varnum.

NAYS—Messrs. Bibb, Brent, Campbell of Ohio, Campbell of Tennessee, Condit, Franklin, Galliard, Giles, Lambert, Pope, Taylor, Turner, and Worthington.

On motion, by Mr. CRAWFORD, the Senate agreed to the conference asked by the House of Representatives on the amendments to the bill last mentioned; and Messrs. BAYARD, LEIB, and VARNUM, were appointed the managers on the part of the Senate.

The bill for the relief of Robert Fulton and his associates was read the second time.

MONDAY, December 9.

Mr. TART, from the committee to whom was referred the bill, entitled "An act allowing further time for completing the payments on certain lands held by right of pre-emption in the Mississippi Territory," reported it without amendment.

Mr. GILES, from the committee to whom was referred so much of the Message of the President of the United States, of the fifth of November, as concerns the relations between the United States and France and Great Britain, reported, in part, a bill for completing the existing military establishment; and the bill was read, and passed to the second reading.

Mr. GILES, from the committee last mentioned, reported, in part, a bill to raise, for a limited time,

an additional military force; and the bill was read, and passed to the second reading.

Mr. GILES, from the same committee, reported, in part, a bill appropriating a sum of money for procuring munitions of war; and the bill was read, and passed to the second reading.

Mr. GILES, from the same committee, also reported, in part, a bill for the establishment of a quartermaster's department; and the bill was read, and passed to the second reading.

[Upon presenting the report of the Committee of Foreign Relations to the Senate, Mr. GILES remarked, that he was directed by the committee to report by bills in part; that the bills now reported, presented such a system of military preparations as the committee had deemed it proper to recommend to the adoption of the Senate in the present crisis; that it had not yet matured a system of naval preparation; that would probably form the subject of a future report.]

The bill for the relief of Robert Fulton and his associates was resumed; and, on motion, by Mr. ANDERSON, it was made the order of the day for Thursday next.

The bill to annex the towns of Kittery, Elliot, and Berwick, to the district of Portsmouth, was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. CUTTS, LLOYD, and FRANKLIN, were appointed the committee.

TUESDAY, December 10.

The bill for completing the existing Military Establishment was read the second time.

The bill to raise, for a limited time, an additional military force, was read the second time.

The bill appropriating a sum of money for procuring munitions of war, was read the second time.

The bill for the establishment of a quartermaster's department was read the second time; and on motion, by Mr. GILES, these bills were severally made the order of the day for Friday next.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act allowing further time for completing the payments on certain lands held by right of pre-emption in the Mississippi Territory;" and the bill was ordered to the third reading.

Mr. GILES presented the petition of Charles Whitlow, nurseryman and botanical collector, stating that he has discovered a native vegetable, which possesses, in the highest degree, the qualities of flax and hemp, and praying that, in consideration of making a disclosure of this important discovery to Congress, he may be allowed to import into the United States, by special licences, all such seeds, grains, and growing plants, as he may deem useful for the improvement of gardening, science, or the arts; and the petition was read, and referred to a select committee, to consist of five members, to consider and report thereon by bill or otherwise; and Messrs. GILES, GREGG, GERMAN, SMITH, of New York, and BAYARD, were appointed the committee.

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Mr. BAYARD, from the committee appointed as managers of the conference upon the subject-matter of the bill from the House of Representatives, entitled "An act for the apportionment of Representatives among the several States, according to the third enumeration," made the following report:

"That the committee had held a conference with the managers appointed in behalf of the House of Representatives, and that the joint committee of the two Houses, upon the close of the conference, finally separated without coming to any agreement. That the committee heard nothing on the conference sufficient to induce them to depart from the amendments made by the Senate to the bill from the House of Representatives. They therefore recommend it to the Senate to adhere to the said amendments."

On motion, by Mr. BAYARD, it was agreed that the consideration of the report be the order of the day for to-morrow.

WEDNESDAY, December 11.

The bill, entitled "An act allowing further time for completing the payments on certain lands held by right of pre-emption in the Mississippi Territory," was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the laying out and opening a public road from the line established by the treaty of Greenville to the North Bend, in the State of Ohio;" also a bill, entitled "An act for the relief of John Burnham;" in which bills they desire the concurrence of the Senate.

The bills last mentioned were read, and passed to the second reading.

The Senate resumed the consideration of the report of the managers at the conference upon the subject-matter, of the amendments to the bill, entitled "An act for the apportionment of Representatives among the several States, according to the third enumeration."

Whereupon, on motion by Mr. BAYARD, that the Senate adhere to their amendments to the said bill, it was determined in the affirmative—yeas 18, nays 16, as follows:

YEAS—Messrs. Bayard, Bradley, Cutts, Dana, Gilman, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Leib, Lloyd, Reed, Robinson, Smith of Maryland, Smith of New York, and Varnum.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Ohio, Campbell of Tennessee, Condit, Crawford, Franklin, Gaillard, Giles, Lambert, Pope, Tait, Taylor, Turner, and Worthington.

THURSDAY, December 12.

The bill, entitled "An act to authorize the laying out and opening a public road from the line established by the treaty of Greenville to the North Bend, in the State of Ohio," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. CAMPBELL, of Ohio, GREGG, and POPE, were appointed the committee.

The bill, entitled "An act for the relief of John Burnham," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. GERMAN, FRANKLIN, and GREGG, were appointed the committee.

Mr. DANA presented the petition of Isaac Tryon, of Glastenbury, in the State of Connecticut, praying that the patent granted him on the 22d of February, 1798, for a new and useful improvement in manufacturing combs, may be extended for a longer time, for reasons stated therein at large; and the petition was read, and ordered to lie on the table.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Robert Fulton and his associates; and, after debate, the further consideration thereof was postponed until to-morrow.

FRIDAY, December 13.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Robert Fulton, and his associates; and, on motion, by Mr. BAYARD, to postpone the consideration thereof to Monday fortnight, it was determined in the negative. And on motion, by Mr. GILES, it was recommitted to a select committee, to consist of five members, with instructions to revise the patent laws, with liberty to report thereon by bill, bills, or otherwise; and Messrs. GILES, BAYARD, CRAWFORD, CAMPBELL of Tennessee, and ANDERSON, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the bill for completing the existing Military Establishment; and, after progress, adjourned.

SATURDAY, December 14.

The Senate resumed, as in Committee of the Whole, the bill for completing the existing Military Establishment; and the bill having been amended, the President reported it to the House accordingly; and the bill was further amended.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill to raise, for a limited time an additional military force; and, after progress, adjourned.

MONDAY, December 16.

Mr. WORTHINGTON, from the committee appointed on the subject, reported a bill authorizing the President of the United States to raise certain companies of spies or rangers for the protection of the frontier of the United States; and the bill was read, and passed to the second reading.

Mr. GILMAN, from the committee, reported the bill for completing the existing Military Establishment correctly engrossed, and the bill was read the third time; and the blanks filled.

On motion, by Mr. ANDERSON, to recommit the bill to a select committee, further to consider

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and report thereon, it was determined in the negative.

On the question, Shall this bill pass? it was determined unanimously in the affirmative, yeas 28, as follows:

Messrs. Anderson, Bibb, Brent, Campbell of Ohio, Campbell of Tennessee, Condit, Crawford, Cutts, Dana, Franklin, Gaillard, German, Giles, Gilman, Goodrich, Gregg, Lambert, Leib, Lloyd, Pope, Reed, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, and Varnum.

Mr. FRANKLIN presented the petition of Thomas Gordon, of Pasquotank county, in the State of North Carolina, in behalf of himself and John Shaw, praying a remission of the penalties incurred by them as securities in an embargo bond, for reasons stated therein at large; and the petition was read, and referred to a select committee, to consider and report thereon, by bill or otherwise; and Messrs. FRANKLIN, TAYLOR, and CRAWFORD, were appointed the committee.

On motion of Mr. DANA,

Ordered, That the petition of Isaac Tryon, presented the 12th instant, be referred to the committee to whom was referred, the 26th November, the memorial of Robert R. Livingston, and Robert Fulton, to consider and report thereon by bill or otherwise.

MONDAY, December 17.

The bill authorizing the President of the United States to raise certain companies of spies or rangers, for the protection of the frontier of the United States, was read the second time.

[This bill provides, "that the President of the United States, whenever he shall have satisfactory evidence of the actual or threatened invasion of any State or Territory of the United States, by any Indian tribe, or tribes, be and he is hereby authorized to raise, either by the acceptance of volunteers, or enlistment for one year, unless sooner discharged, as many companies as he may deem necessary, who shall serve on foot, or be mounted, as the service in his opinion may require—shall act on the frontier as spies or rangers, be armed, equipped, and organized in such manner, and be under such regulations and restrictions as the nature of the service in his opinion may make necessary." "Each of the said companies of spies or rangers to consist of one captain, one first, one second lieutenant, one ensign, four sergeants, four corporals, and sixty privates."]

Mr. POPE submitted the following motion for consideration:

Resolved, That a committee be appointed to inquire into the expediency of making provision for the widows and representatives of the militia volunteers who fell in the late engagement with the Indians on the Wabash, under the command of Governor Harrison; and, also, of making compensation for the horses and other property lost or destroyed; and that the committee have leave to report by bill or otherwise.

Mr. GILES, from the committee to whom the subject was recommended the 13th inst., reported, in part, a bill extending the time of certain patents.

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ents granted to Robert Fulton; which was read and passed to a second reading.

ADDITIONAL MILITARY FORCE.

The Senate resumed, as in Committee of the Whole, the bill to raise, for a limited time, an additional military force.

On motion, by Mr. REED, to strike out, from section 1, line 3, the word "ten," for the purpose of inserting in lieu thereof, the word "twenty," it was determined in the negative—yeas 2, nays 31, as follows:

YEAS—Messrs. Lambert and Reed.

NAYS—Messrs. Anderson, Bayard, Bibb, Bradley, Campbell of Ohio, Campbell of Tennessee, Condit, Crawford, Cutts, Dana, Franklin, Gaillard, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Leib, Lloyd, Pope, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On motion by Mr. BIBB, to expunge the last section of the bill, as follows:

"That every commissioned and staff officer, to be appointed in virtue of this act, shall be a citizen of the United States, or some one of the Territories thereof;"

It was determined in the affirmative—yeas 19, nays 14, as follows:

YEAS—Messrs. Bayard, Bibb, Bradley, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, German, Giles, Howell, Hunter, Leib, Pope, Robinson, Smith of New York, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Anderson, Condit, Dana, Franklin, Gaillard, Gilman, Goodrich, Gregg, Horsey, Lambert, Lloyd, Reed, Smith, of Maryland, and Tait.

And the PRESIDENT reported the bill to the House as amended.

On motion of Mr. CAMPBELL, of Tennessee, to strike out from section twelve, line six, to the end of the section, as amended, the following words:

"And whenever any non-commissioned officer or soldier shall be discharged from the service, who shall have obtained from the commanding officer of his company, battalion, or regiment, a certificate that he had faithfully performed his duty while in service, he shall, moreover, be allowed and paid, in addition to the said bounty, three months' pay, and — acres of land. And the heirs and representatives of those non-commissioned officers, or soldiers, who may be killed in action or die in the service of the United States, shall likewise be paid and allowed the said additional bounty of three months' pay and — acres of land, to be designated, surveyed, and laid off, at the public expense, in such manner, and upon such terms and conditions, as may be provided by law."

For the purpose of inserting, in lieu thereof, the following words:

"And every non-commissioned officer and soldier who shall have faithfully performed his duty, served out his term of five years, and obtained his discharge from the proper officer, shall be entitled to, and receive, in addition to the said bounty, three months' pay and a land warrant for one hundred and sixty acres. And in case such non-commissioned officer or soldier shall have been discharged previous to the expiration of the term of five years for which he was enlisted, having faith-

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fully performed his duty while in service, he shall be entitled to, and receive a land warrant for, a number of acres proportioned to the time he shall have actually served, allowing at the rate of one hundred and sixty acres for the full time of five years. And the legal representatives of every non-commissioned officer or soldier who shall be killed while in the line of his duty, or who shall, during the time for which he may have been enlisted, die in actual service, or of wounds received in battle, or while in the line of his duty, shall be entitled to, and receive a land warrant for, the full quantity of acres to which the said deceased would have been entitled had he lived and served out his full term of five years; which said land warrants shall be issued by the Secretary of War, in the names and for the use only of the persons who performed the services, or their legal representatives, and shall not be transferable to any other person or persons; and may, at their option, be located with the register of either of the land offices of the United States, subsequent to the public sales in such office, on any of the public lands of the United States then and there offered for sale; or may be received at the rate of two dollars per acre in payment of any such public lands."

And it was determined in the negative—yeas 10, nays 23, as follows:

YEAS—Messrs. Anderson, Campbell of Ohio, Campbell of Tennessee, Franklin, Gregg, Hunter, Lambert, Loib, Lloyd, and Worthington.

NAYS—Messrs. Bayard, Bibb, Bradley, Brent, Crawford, Cutts, Dana, Gaillard, German, Giles, Gilman, Goodrich, Horsey, Howell, Pope, Read, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, and Varnum.

And the bill was further amended.

On motion, by Mr. ANDERSON, to strike out the word "ten," section one, line three—

Mr. GILES rose, and submitted, in substance, the following observations:

Mr. GILES said, he found himself in a very unprepared state, called upon to oppose a very unexpected motion. The object of the mover had been very precisely expressed; but he had mentioned the number of twelve thousand infantry as preferable to twenty thousand, about the number provided for by the bill. Mr. G. said it was also understood, that a force of ten thousand men of every description would more correspond with the Executive views, and fully answer the Executive requisition. This, he believed, was the fact; and should so consider it in the course of the observations he proposed to make. Notwithstanding this circumstance, however, considering the late occurrences on our Western frontiers, and the feelings of the Western people so justly excited thereby, &c., he acknowledged that the motion had come from the most unexpected quarter of the Union, and from a gentleman the most unexpected to him of all those who represent the western portion of the United States; because, from the long course of military services honorably rendered by that gentleman during the Revolutionary war, he must have become well acquainted with the absolute necessity of a due degree of momentum in military affairs.

Mr. G. said he did not propose to go into a full exposition of our foreign relations at this time;

yet the motion furnished a most extensive scope for observation, because, if it should unfortunately succeed, it would essentially derange, as he conceived, the whole views of the committee who had reported the bill. He would, therefore, present to the Senate the most prominent and important considerations, which he presumed had operated on the committee, and had certainly on himself, to induce the recommendation of twenty-five thousand men, as the smallest possible quantum of force demanded by the crisis; and to demonstrate the advantages of a force at least to that extent, over that which seemed to be contemplated by the honorable mover, and still more over that which is said to consist with the Executive project.

In the consideration of this subject it is important to turn our attention to the objects for which a military force is demanded, to enable us the better to apportion the means to the objects intended to be effected. For this purpose he begged the most serious attention of the Senate to the President's Message at the commencement of the session.

"I must now add," observes the President "that the period is arrived which claims from the legislative guardians of the national rights a system of more ample provision for maintaining them. Notwithstanding the scrupulous justice, the protracted moderation, and the multiplied efforts on the part of the United States, to substitute for the accumulating dangers to the peace of the two countries, all the mutual advantages of re-established friendship and confidence, we have seen that the British Cabinet perseveres, not only in withholding a remedy for other wrongs so long and so loudly calling for it, but in the execution, brought home to the threshold of our territory, of measures which, under existing circumstances, have the character, as well as the effect, of war on our lawful commerce.

"With this evidence of hostile inflexibility, in trampling on rights which no independent nation can relinquish, Congress will feel the duty of putting the United States into an armor and an attitude demanded by the crisis, and corresponding with the national spirit and expectations.

"I recommend, accordingly, that adequate provision be made for filling the ranks and prolonging the enlistments of the regular troops; for an auxiliary force, to be engaged for a more limited term; for the acceptance of volunteer corps, whose patriotic ardor may court a participation in urgent services; for detachments, as they may be wanted, of other portions of the militia, and for such a preparation of the great body as will proportion its usefulness to its intrinsic capacity."

Here we find, in the first place, the most solemn and imperious call upon Congress, in the character of "the legislative guardians of the national rights, for a system of more ample provisions for maintaining them." The President then very properly and emphatically proceeds to tell us why he makes this solemn call upon the legislative guardians of the nation at this time. He tells us in substance, that notwithstanding "the scrupulous justice, the protracted moderation, and multiplied efforts on the part of the United States," to induce Great Britain to recede from her hostile

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aggressions upon their essential sovereign rights, so far from yielding to these polite and pathetic invitations, she had increased her aggressions, and had adopted "measures, which, under existing circumstances, have the character, as well as the effect, of war upon our lawful commerce;" and that these measures are, in their execution "brought home to the threshold of our territory." Could the President have chosen language more emphatic to show the imperious character of the call made upon Congress to furnish him with the adequate physical means to retrieve the honor and redress the wrongs of the nation? Lest there might be some possible mistake on the part of Congress, he tells us explicitly, that the aggressions of Great Britain have the character as well as the effect of war upon our lawful commerce, and that this war is brought home to the threshold of our territory.

But, sir, the President does not stop here. He tells us that notwithstanding our protracted moderation, &c., &c., Great Britain, with hostile inflexibility, perseveres in trampling on essential sovereign rights; rights at least, "which no independent nation can relinquish." Here then, it is evident, the President conceives, that our independence as a nation is brought into question, and put at hazard. Can any subject present a more awful and imperious call upon Congress to exert and apply the whole energies of the nation, than a question of independence? The plain English of all this communication, he understood to be, that all the inefficient measures, which have been adopted in relation to the belligerents for three years past, had not answered the expectations of their projectors; but, instead of the expected recession, had produced, on the part of Great Britain at least, inflexible hostility. This was a very natural result, and one which he had always anticipated, as was well known to this honorable body. But the Administration, having learnt wisdom by these feeble experiments, had now determined to change its course, and for the purpose of rendering this hostility more flexible, had at length resolved, instead of commercial restrictions, to try the effect of physical force. An adequate force is therefore demanded by the Executive, and the adequacy of the force is very properly referred to Congress, where the responsibility is placed by the Constitution, where it ought to rest; and, for one, he was willing to take his full share of it. But, sir, the President goes on further. After designating the objects, he points out the standard for ascertaining the adequacy of the force demanded for their effectuation. In his official responsible Message, he tells us that "Congress will feel the duty of putting the United States into an armor and an attitude demanded by the crisis, and corresponding with the national spirit and expectations." The standard here pointed out for calculating the quantum of force to be supplied is "the crisis," which had been previously described in the most solemn and imposing terms, and "the national spirit and expectations." Whether the committee had reported too great a force for subduing the crisis, he was willing to submit

to the verdict of the national spirit and expectations.

But it is now said, or intimated in substance, that this official responsible standard is only ostensible, and that the true standard for estimating the quantum of force demanded, must be derived from the decrepit state of the Treasury and the financial fame of the gentleman at the head of that department. This subject will require a distinct consideration; but, in the meantime, it is sufficient to say, that the committee unanimously refused to be influenced by any considerations, but those resulting from the official responsible communication, and their own reflections upon the state of the nation as disclosed thereby. They unanimously rejected informal, unofficial communications.

It will be observed, too, in the Message, the President, in his more specific recommendations, after designating the kinds of force suited to the occasion, leaves the quantum of each to be judged of and decided by Congress, where the responsibility did and ought to rest; and he was unwilling, by receding from his Constitutional duty, to revert this responsibility upon the Executive.

It thus appearing, said Mr. G., that the force demanded was for the purposes of war, if unfortunately we should be driven by Great Britain to that last resort; and that although the war would be undertaken upon principles strictly defensive, yet, in its operation, it must necessarily become offensive on our part; and that Congress was to determine exclusively upon the adequacy of the means for conducting it; he would now proceed to inquire more particularly, first, whether the committee had recommended a force more than adequate to the purposes of the war; and second, whether it was within the capacity of the United States to supply the force thus recommended.

Mr. G. said, that in estimating the quantum of force demanded by the existing crisis, it appeared to him, gentlemen had not given sufficient consideration to the attitude assumed by the United States in relation to the Floridas—to the extension of our Southern and Western frontiers—to the late hostile acts and threatenings in that quarter—nor to the importance of Orleans, its exposed position and defenceless situation. These circumstances, however, entered deeply into the consideration of the committee, had induced it to conclude that the whole Military Establishment now authorized by law, if completed, would not be more than sufficient, perhaps insufficient, to answer the necessary objects of the Government in the scenes just described. It was, therefore, intended that the whole of that force should be left free to act therein, according to circumstances, and that the additional force now recommended should act exclusively in the northern and eastern portion of the Union. This force no gentleman will pretend can be too great for our objects in that quarter, in the event of war unaided by the existing establishment. Hence it was a matter of great surprise to him that the Western gentlemen should wish to diminish the number of men now proposed to be raised; because he believed

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that every man deducted from the proposed force, would take one from the force intended by the committee to protect our Southern and Western frontiers. These gentlemen, he presumed, must be better judges than himself, how many of these men they can generously spare from their own protection; but, for his part, he thought there was not one to spare from these objects, and the committee were willing to give the whole of them that destination.

With respect to the protection of New Orleans, he knew it was the expectation of the late Administration, that in the event of war, Great Britain would possess herself of that city; and it was not their intention to incur the expense of being constantly prepared to repel the first incursions of the enemy—he did not know the intention of the present Administration in that respect, but presumed it was acting on the same policy. In case the British should take possession of Orleans, the Western people must necessarily be called upon to drive them out, and he doubted very much whether it would be either a very acceptable occupation or a very easy task. He had always disapproved of this policy, and in the event of war, he thought it wise, not only to be prepared for defence at all points, but to give the first blow. He believed, in the end, it would be found not only the wisest, but the most economical policy, both in blood and treasure.

Having presented to the Senate the objects to which the existing Military Establishment ought to be assigned, according to the views of the committee, he would proceed to inquire, whether the additional force recommended would be more than competent to the objects to which it must necessarily be assigned, and which ought unquestionably to be effected by it. In case of war, an event he deprecated as much as any gentleman present, the new army would have to man your fortifications on the seaboard, from Norfolk to the extremities of our territory. North and East, and to occupy Canada. These are the contemplated and indispensable objects of this army, in the estimation of the Executive and the honorable mover, as well as of the committee. The question will, therefore, turn upon the accuracy and correctness of their respective calculations as to the quantum of force necessary to effect these objects.

Mr. G. said he had a conversation with the Secretary for the Department of War, in his character of chairman of the Committee of Foreign Relations, in which the Secretary did endeavor to demonstrate to him, that a smaller number of men than 25,000 would answer these objects; but so far from producing this conviction, it satisfied him that the number was too small. He thought that every inference drawn by the honorable Secretary ought to have been inverted. For instance, he was asked, how many men were indispensably necessary to man the fortifications at New York? The honorable Secretary replied 2,000; but he intended to make 1,000 answer, and would rely for the rest of the complement on the local militia. Now, Mr. G. said, he inferred, if 2,000 men were necessary for that most exposed

and important position, that 1,000 would not answer, with the precarious and accidental aid of the local militia; that 2,000 ought to be calculated on for that service; and if, with the aid of the local militia, they could protect New York against the force Great Britain might detach against that city, they would perform their full share of the toils and perils of the war. Two thousand men, completely furnished with all the means of annoyance, possessed of all the skill that military science could afford, and impelled by all the subordination and management that military discipline could impose, with the aid of the local militia also, would deserve well of their country if they should preserve New York from the grasp of Great Britain, in case she should think proper to direct the force she might have at command against that city. Then why send one thousand on a service, when we know that two thousand are necessary, and perhaps incompetent? Is it because the United States have not the capacity to send 2,000? That question shall be examined presently. The same observations will apply to the protection of Rhode Island, where 2,000 more will be necessary; and 1,000 will be as few as can possibly be detached for the other fortifications. Admitting then 5,000 men to be necessary to man the various fortifications on the seaboard, and supposing every man to be raised, as proposed in the bill, there will be a disposable force of only 20,000 men for the occupation of Canada. But upon the Executive project there would be left for that service only 5,000 men; unless indeed the Western and Southern frontiers should be left unprotected, or the fortifications on the seaboard should be only half manned, and of course left to the sport of the enemy. Mr. G. said he apprehended that, in the first onset of the war, Great Britain would direct her force to the occupation of New York and New Orleans; and if she should possess herself of those two points, he would venture to predict that the Administration which commenced the war would not finish it; especially under a system of policy, which would only furnish one half of the means deemed necessary for their protection—yes, sir, known to be inadequate at the time of applying it. What apology could be made to an injured nation under such circumstances? We knew 2,000 men to be necessary for the defence of New York; but we sagely determined to apply 1,000 only to that object, for fear of incurring the expense of the requisite number. This would be self-condemnation. The people would lose all confidence in such calculators, and would certainly make the experiment of a change. Under such circumstances, Mr. G. said he would be the first to cry out for a change of Administration, for it would not be possible to lose by it. Defend New York with all the judgment and skill you can command; fill the fortifications with the full complement of troops amply provided, call in the local militia, &c., and he should not be surprised if the British should get possession of that city. But then there would be no blame on the Administration; all its duties will have been performed; and the result would

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rest upon the fortune of war; but a single act of neglect or misconduct would certainly deprive the Administration of the public confidence.

If, sir, Great Britain should get possession of New York and New Orleans, and you should get possession of Canada, you would be very glad to make the exchange upon the termination of the war. Therefore, take care of these two points.

Mr. G. said, he also requested the honorable Secretary to consult with the President, and inform him, as the President's Secretary, whether the President wished to have the number of men reduced? or whether he had a preference for any other number? The reply, after the consultation, very properly, was, that the President had no opinion to offer on that point. He considered it a subject of legislative discretion, &c. Of course any informal Executive views ought not to be substituted for our own discretion and responsibility. Mr. G. said, he knew it had been suggested, and perhaps from very high authority, that nothing was necessary to induce Great Britain to recede from her aggressions, but to convince her, that, instead of opposing to them inefficient commercial restrictions, they would be resisted with physical force; and that raising ten thousand men would produce this conviction, without incurring further expense. This suggestion furnished some of his strongest objections to limiting the force to be raised to ten thousand men. So far from producing that conviction on the British Cabinet, he was convinced it would produce precisely the opposite effect. The British Cabinet would look at the means provided for effecting the object, as the best evidence of the object itself. And as these means would be viewed so utterly inadequate to the purposes of war, the Cabinet would necessarily conclude that we were not in earnest, that we were joking, even upon the most serious subject; that war was not intended, and would not be resorted to under any circumstances. This impression, the necessary result of our former measures, has become so general, both at home and abroad, that we have much to do to retrieve our lost reputation; we do not stand upon original ground. Our measures must be of a very different character from what they have been to produce the desired conviction, either at home or abroad. Having changed our principle of action, from commercial restrictions to physical force, limiting that force to ten thousand men would be, in his judgment, as much trifling with the energies of the nation, as inefficient commercial restrictions had heretofore been trifling with the character and interests of the nation, and he feared was dictated by the same unfortunate imbecile spirit and policy. Mr. G. said, that whilst upon this part of the subject, he begged to be excused for reading a few paragraphs from a newspaper, which he accidentally picked up last evening, containing the announcement of the President's Message at Quebec, the very point to which the proposed force might probably be directed. It fully demonstrates the impressions existing there, and which have been produced by our former measures.

"QUEBEC, November 18.

"President's Message."—Happily the expectation of Mr. Madison's speech steps in opportunely, as something of an antidote to the effect of the European dearth. From that speech shall we learn that the terrible being, John Bull, does not suffer his thousand armed vessels, manned and equipped at an enormous expense, to lie wholly idle; but that they are guilty of the audacious tyranny of being, in some degree, a check on the violent inclinations of Dame Columbia to extend her arms to cherish, aid, and assist her admired hero, Napoleon, in effecting John's annihilation. Much will the speech complain that the Sovereign of the Ocean is not powerful to no purpose, and does not descend to, and put himself on a level with the imbecility of the United States, with their dozen ships. Unpardonable is the grievance that the Leviathan is not as powerless as the Cod: that the Jackall, whom nature meant for the Lion's provider, is not permitted to divert its provender to the support of the Tiger, with a view to the destruction of the Lion.

"The speech may not say these things in direct terms; but such will, unquestionably, be its meaning:

"With syllogisms 'twill make a clatter,
With abstract rights three-deckers batter;
An empty purse at millions shake,
And no trade 'gainst a free trade stake:
Of rotting produce count the gain,
A seaboard boast shut from the main;
To seamen recommend the loom,
And on each mast to fix the broom;
Merchants, for lack of foreign wares,
To retail apples, plums, and pears."

Limit all your mighty efforts to ten thousand men, and it will afford a better subject for another pasquinade, than the President's Message had done for the one just read. He should not have ventured to read these paragraphs to the Senate, however, if these impressions were merely local. But he believed similar impressions pervaded Europe and America, and had unfortunately found their way into the French and British Cabinets. Nor should he have thought these sarcasms worth regard, were it not for the truisms with which they were pointed. When the Duc de Cadore, upon his review of our proceedings, told us officially that he would have expected more from a Jamaica Assembly, he thought it both impertinent and insolent; but the point of the offence was a consciousness that it was too much like the truth. It is a truism which forms the sting of every sarcasm. We find the Emperor Napoleon, too, acting under these same impressions, when he seizes and confiscates your property, without even a plausible pretext. The only ground upon which he acted, was a conviction that you would not resent it, and he, therefore, might plunder with impunity. The same impressions direct the British Cabinet in its "inflexible hostility," and its war upon our commerce, both in character and effect, "brought home to the threshold of our territory." If our protracted moderation, wonderful moderation, &c., by which he presumed were meant our feeble contrivances for the last three years, and of which, he feared, the requisition of ten thousand men was a breach, both in spirit and policy,

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should still be continued, he believed it would degenerate into something of a very different character, and would receive a very different denomination from the public.

Mr. G. begged the Senate to turn its attention to the means of resistance now actually in Canada, which would probably be opposed to the contemplated force. From the best information he could obtain, the British had at this time in Canada from seven to ten thousand regular troops, and from twelve to fifteen thousand well appointed, well furnished militia, drawn from a population of nearly three hundred thousand souls. If, therefore, your troops could be ready to act in the Spring before the breaking up of the ice, and before the British could throw further succors into that country, it appeared to him there would be very good employment for twenty thousand men in subduing this force and population; and, if undertaken with fewer men, a failure of the enterprise would probably be the consequence. Besides, sir, we should recollect that Great Britain is the same Great Britain we encountered in 1775, 1776, &c.; and although some gentlemen seemed to suppose that she was fully occupied with her European war; that she was impoverished, fighting for her existence, &c., and of course had at command very little disposable force, he viewed the subject very differently.

It is true Great Britain is engaged with a formidable enemy; but hitherto she has greatly the advantage in the war. Where has she lost one inch of territory? What acquisitions of territory and population has she not made, both in the East and West Indies? What obstacles is she now opposing to the occupation of the Southern Peninsula by her enemy? So far from her population being diminished at home, it appeared to be greatly increased by the last census, notwithstanding all the distresses and starvations we have heard of, &c. Count the number of French and English prisoners, and you will find that Great Britain had the advantage of perhaps ten to one. Her fleet is unrivalled; of course left more free to act than at any time during the Revolutionary war. He, therefore, concluded that we should have to contend now with the same Great Britain we did then, with renovated powers and resources. Yet to this Power it is proposed to oppose only ten thousand additional troops. Mr. G. said it was uncertain how long Great Britain might keep her army upon the Peninsula; but whenever it shall be withdrawn, either by choice or necessity, she will have a formidable disposable force in numbers, skill, and bravery; and whether she withdraws that army or not, you will find that she will command a respectable force for the protection of Canada, if you wait for the breaking up of the ice, which now envelopes all the avenues of that country. Time, therefore, is all-important, and not a moment for preparations ought to be lost.

France, it is true, has astonishingly aggrandized herself during the existing war in Europe; but it has been done at the expense of other na-

tions, not of Great Britain. Great Britain has had her share of the spoils also.

Let us then not undervalue our enemy. Sir, this project of limiting our efforts to ten thousand men, seems to be too much upon the plan of a scarecrow, and it appears to be regarded in that light by some gentlemen. He said Great Britain was the last nation on earth, that he would undertake to frighten with scarecrows; besides, even upon the scarecrow plan, he should suppose that twenty-five thousand men would be better than ten thousand. Mr. G. said he disliked this project extremely, from another consideration, which it forcibly impressed upon his mind. It must evidently have been recommended by that same spirit and policy which had heretofore relied upon the chapter of accidents for success, and not upon our own energies and resources. It seems to have been founded on the hope that Great Britain would recede without an effort on our part. It is a fallacious hope. The hope itself will always defeat its own object, by avoiding the means to insure its own success.

Mr. G. said we had enjoyed a long course of prosperity, but we ought not to calculate upon perpetual exemption from the common calamities of nations. When days of adversity shall arrive, we should meet them with becoming fortitude and energy. He deprecated that spirit which appeared to be longing and whining after prosperity that is passed, as if it feared to look adversity in the face. Mr. President, when adversity comes, you must look her in the face; yes, sir, you must stare her out of countenance; you must meet her with courage, and with means sufficient to subdue her. Mr. President, if after we have been solemnly called together to receive communications of great and weighty matters, and after our meeting have been told that our independence is at hazard, that there is actual war, both in character and effect, upon our lawful commerce, brought home to the threshold of our territory; that rights are trampled upon, which no independent nation can relinquish, &c.; when, in short, our wrongs are painted in such glowing terms, as to have set the whole nation on fire—if, after all this, we should taper down to providing ten thousand men to subdue such a crisis, would it not be a wonderful discovery in the art of sinking? Would it not undervalue the resources and energies of the nation? Would it not insult and deceive the national spirit and expectations? Whether he viewed this subject in reference to the interests of the nation, or the party in power, he should equally protest against this little miserable policy of resorting to means so utterly incompetent to the objects. He cautioned the party in power now, as he often had done before, against longer sporting with the national sensibility, the national character, and the national interests.

Mr. G. said, in making the calculations of the degree of force required, the committee was precluded from taking into the estimate any auxiliary force to be derived from the militia; because an impression appeared to be almost universally entertained, that Congress could not constitutionally

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command the services of the militia beyond the limits of the United States; of course, the regular force must be proportionally augmented. He said, although he believed he stood single and alone, he protested against this doctrine. He did not propose now to examine this question, because it would be useless. He would, however, read the clause of the Constitution, which gave to Congress the power of calling forth the militia, and make one or two remarks on it. Congress shall have power "to provide for calling forth the militia, to execute the laws of the Union, to suppress insurrections, and repel invasions." The first object for which the militia may be called forth, is to execute the laws of the Union. A law declaring war, is a law of the Union; and if the war is to be carried on beyond the limits of the United States, it is still a law to be executed, although beyond the limits of the United States; and he could see no reason why the militia could not be called forth to execute it. Indeed, it is one of those laws to the execution of which force is indispensably and properly applicable; and if the laws can have a legitimate influence beyond the limits of the United States, the power of Congress over the militia must be co-extensive with the laws, which are thus required to be executed. He would only observe further, that when this subject was more particularly brought into discussion upon a former occasion, it was said, that even in Great Britain, the militia could not be ordered out of Great Britain; no, not even to Ireland. But it should now be recollected, that since that time, the British Parliament, without even a question as to the right, has ordered British militia to Ireland, and Irish militia to Great Britain. Twenty-six regiments are said to be transposed at this time.

Mr. G. said, that in considering the peculiar geographical situation of the United States, with colonies at each end of them, belonging to powerful distant nations, with which we may be often brought into collision, it would be unfortunate for the United States if the militia bordering on the lines of separation could not be called forth for any purpose of chastisement, or any other object the Government might have in view, in relation to those colonies or their respective mother countries. If such be the unfortunate organization or interpretation of the Constitution, an amendment for remedying so important a defect ought to be instantly proposed and adopted. Its inconvenience is now sensibly felt, in precluding all reliance upon that important auxiliary force. Gentlemen, however, purpose to remedy this defect, by a volunteer force. Mr. G. said, he would not reject, nor did he mean to disparage, this species of force. But, from the nature of its organization, it cannot be suited to offensive war, nor to the occupation of a country after it should be taken. He had been told too, by military gentlemen, without exception, that it was always found to be the most expensive and least efficient force. He hardly expected to have heard it relied upon for the contemplated object, by the honorable mover, because he thought gentlemen con-

curred with the other experienced military gentlemen in these respects.

Mr. G. said, upon an impartial view of all the considerations he had the honor to suggest, he thought it was demonstrated, that the force proposed was not more than competent to the objects of the Government; and that a smaller number would correspond neither with the national spirit nor expectations. He would therefore proceed to consider, whether the number proposed exceeded the national capacity to furnish.

It will appear, said Mr. G., from the census lately taken, that the population of the United States is perhaps not less than seven and an half millions of souls. Now, sir, this must be a population of a most extraordinary character, and under the influence of a government of a most extraordinary organization, if it cannot command the services of thirty five thousand men, upon the most extraordinary exigencies. But we are not without a memorable experiment upon the population and Government of the United States, at a former period. In 1775, 1776, we commenced the Revolutionary war with Great Britain, with a population very little, if at all, exceeding two millions of souls.* Let us see the number of regular troops, not merely voted, but actually brought into the field, and paid for their services during the whole of that war. They are as follow: Total in pay, in 1775, 27,443; in 1776, 46,891; in 1777, 34,820; 1779, 27,699; 1780, 21,015; 1781, 13,292; 1782, 14,256; 1783, 13,476. These are the regular troops actually in pay, exclusive of militia.

In making this comparative estimate, he was willing, in these degenerate days, to give two, nay, three for one, over the population of 1775 and 1776; and it would appear, that the committee had not drawn upon the existing population beyond moderation. With a double, nay threefold population; with more than quadrupled pecuniary resources; with a capacity for furnishing munitions of war above one hundred fold, the committee proposed to draw upon the existing population for thirty-five thousand regular troops in the whole. In 1776 there were actually in the field and paid, forty-six thousand eight hundred and ninety-one regular troops, exclusive of militia. Great Britain, with a population of but little more than double that of the United States; laboring too under a debt of more than seven hundred millions of pounds sterling, has, at this time, in her land and naval service, perhaps, three hundred thousand men; yet an alarm seems to be produced here by a proposition to call into the service of the United States thirty-five thousand men. This too for repelling the aggressions of the same Great Britain we encountered in 1775 and 1776; and for the same cause. Yes, sir; it is as much a question of independence now, as it was then. It was then a question, whether Great Britain should impose a tax of

* Population of the United States, at four several periods, viz: 1780, 2,051,000; 1790, 3,929,326; 1800, 5,308,666; 1810, 7,239,903.

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three pence per pound on tea, when in our colonial state. It is now a question whether Great Britain shall regulate by force the whole of our commerce, in contempt and violation of the laws of nations, when we affect to be in an independent state. If, sir, our fathers had condescended to calculate the costs of a tax of three pence on a pound of tea, compared with the costs of the war for achieving our independence, as some of their sons are now doing with respect to the value of our commerce submitted to the regulation of Great Britain, we should not now have it in our power to degrade their memories, by the profligate abandonment of the independence achieved for us by the profusion of their blood and treasure. And what, sir, became of the forty-six thousand eight hundred and ninety one men raised to oppose Great Britain in 1776? We know they were often compelled to fly before superior British forces, and by the waste of the war and short enlistments, were reduced in 1783, to 13,476. Yet we seem now to be willing to fall into this same fatal error—and for what? and for what cause? From groundless and visionary fears of the possible influence of regular troops upon our liberties. But, sir, these fears come too late. They should have come upon us long ago. It is too late to say, we are more afraid of the means of annoyance, than the enemy to be annoyed. We ought to have submitted long ago. We have now taken the ground of resistance, and cannot recede. He hoped that the considerations urged the other day upon this subject, were sufficient to demonstrate the fallacy of these alarms, and their unfortunate tendency in relation to the public welfare in the present state of our affairs. Upon these views of the whole subject, he trusted that the Senate would concur with the committee in opinion, that the number of men recommended is not too great for the purposes of the Government, nor beyond the convenient abilities of the United States.

Mr. G. said, he would now proceed to the tenderest point of this discussion—the decrepit state of the Treasury Department. Mr. G. said, he did not think this the true standard for estimating the national resources, nor energies; nor for estimating the means necessary for repelling aggressions upon our national rights; nor is it the one recommended in the President's responsible Message. But the honorable mover had said it demanded and ought to receive our first attention. He complained, too, that Mr. G. had said the objects at stake were too great for counting the costs. Mr. G. said this was not precisely the view he had before presented on this part of the subject. The opinion he expressed was, that there would be an economy in furnishing means sufficient to effect your objects; that the costs could not be deemed excessive, which would insure success; but if you dealt out your means so sparingly as to fail of your object, it would then become prodigal waste and profusion of economy. To this opinion he still adhered; and he thought there never was an occasion where the remark would apply with more force and propriety than at present. The

gentlemen who express so much concern for the Treasury Department, tell us that the gentleman at the head of that Department possesses the most splendid financial talents, &c. Mr. G. said, he hoped he did; and he was not disposed to detract aught from this impression; but he could not help remarking that he should feel more confidence in that gentleman's financial reputation, if it were founded more on facts, and less on rumor and anticipation. The honorable Secretary's financial reputation was made to his hands by others. He had little or no share in it. He has annually given us the most lucid views of the amount and manner of revenue received at the Treasury, which was provided by others, and the manner in which it has been disbursed for the purposes of the Government. But this is no difficult task, and is no evidence of financial skill, which he understood to consist in the faculty of getting the most money into the Treasury, with the least inconvenience to the contributors. He was not disposed, however, to complain of this inactivity on the part of the honorable Secretary, because the Government had never called upon him for greater exertions, and, perhaps, had no occasion to have made such a call, until about three years ago. But, sir, what does this gentleman tell us, upon whose splendid talents we all rely? That the national resources are equal to all the national exigencies. In his last report, he says, in substance, there can be no doubt of the ability and the will of the nation to furnish all the necessary supplies. If, then, reliance can be placed on his splendid financial talents, only give them scope for action; apply them to the national ability and will; let them perform the simple task of pointing to the true *modus operandi*; and what reason have we to despair of the Republic? What reason have we to doubt of the abundance of the Treasury supplies? Until now the honorable Secretary has had no scope for the demonstration of his splendid financial talents. Of all the revenues receivable at the Treasury, he knew of but one fund for which we are indebted to the suggestion of that gentleman. That is what is called the Mediterranean fund; and that is annually presented to us in a very awkward and crooked form. But, against this may be placed the repeal of the salt tax; one of the most improvident measures ever adopted by this or any other Government. He presumed the Secretary, at least, yielded his assent to that measure. Mr. G. said, he was extremely opposed to this measure at the time of its adoption; had twice reported against it, as the chairman of a committee, to whom the subject was referred; and he believed it was twice rejected by this honorable body. His single vote, he believed, turned the scale. He should have persevered in his opposition, notwithstanding the popular cry raised at the time; but he yielded at length to an imposing claim urged on him by many members of the House of Representatives. The House of Representatives was peculiarly intrusted by the Constitution with the power of raising revenue; and it could hardly be considered as correct in a single individual, in the other branch

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of the Legislature, to put his veto to a measure, in relation to revenue, which was recommended by so large a majority of that branch, to whose discretion all subjects of revenue were intrusted in a peculiar manner. To this claim, and the very high respect he entertained for the House of Representatives, he yielded a reluctant consent, upon condition that the repeal should be postponed until one month after the meeting of the next session of Congress, and that the House of Representatives would again review and consider the subject. The month elapsed without re-enacting the law, and the tax ceased.

Mr. G. said he never gave a vote more against the convictions of his own judgment than he did on that occasion, although the motive was one which he conceived ought to exempt him from censure. If gentlemen will now multiply the product of that tax, by the number of years since it was taken off, they would find it would have produced all the sums which have since been called for by loans, provided no greater expenditures had been incurred by the Government than have taken place. Besides the diminution of Treasury funds, it has had the most baneful influence upon the salt works which had been established under its protection, and which would, under the influence of the same protection, in a very short time, have rendered us independent of foreign nations for the supply of this article of the first necessity. He was not disposed, however, on these accounts, to distrust the splendid financial talents of the honorable Secretary; although candor compelled him to acknowledge that he should feel more confidence in them, if it were not for the unwillingness evidently manifested by that gentleman himself, during the last three years, in affording their usefulness to the Government, in times which imperiously demanded their full and prompt exertions.

Mr. G. said the recession of the Treasury Department from the trying difficulties of the nation during that period, must be evident to every impartial observer; and he believed he was acquainted with circumstances which amounted to a knowledge that all the measures which have dishonored the nation during the same time, are, in a great degree, attributable to the indisposition of the late and present Administration to press on the Treasury Department, and to disturb the popularity and repose of the gentleman at the head of it. That the inexecution of the embargo is properly attributable to that cause, he had no doubt; and notwithstanding all the clamor upon that subject, its inexecution produced its repeal. The Executive refused to incur the expense, and accept the means necessary for its effectual execution; which, he believed, would have been readily and zealously granted by Congress upon the Executive request, at any moment. When we were driven from that measure by the inexecution of the law, this honorable body proposed a substitute, in his judgment infinitely better calculated to retrieve the honor and promote the interest of the nation, than the embargo itself. It was done too against the known and anxious

opposition of the Executive, acting, he believed, under the same unfortunate influence. This measure consisted in presenting to the aggressing belligerents an impartial and honorable proposition for accommodation; and in the event of its rejection, to issue letters of marque and reprisal against the refusing nation. This measure was so strongly and obviously recommended by the peculiar circumstances under which we were coercively placed by both the belligerents, that he was astonished at the anxious opposition it received; and to the success of that opposition, after the embargo was abandoned, may clearly be traced all our present sufferings and degradations. Both the belligerents had determined that we should be no longer neutral; and had adopted the most injurious measures in relation to us, to coerce us into the war; each urging us to war against its enemy. What was the proper and manly reply to these aggressing nations? Here is a proposition of accommodation to each of you; if either accepts, we pledge ourselves to issue letters of marque and reprisal against the other, it refusing the accommodation. This was the very situation in which each wished to place us against its enemy; and of course both would probably have accepted the proposition; one or other certainly would; and if the acceptance of one before the other would have produced a state of hostilities against the other, it would have been of very short continuance; because neither of them would find any interest in a war against us, and each wished us to take a part in the war, not against itself, but against its enemy; and perhaps the accommodation would not be the less durable for having been sealed with blood. This measure was not opposed upon its intrinsic merits nor demerits, but it required to be backed with other measures of preparation and expense, and hence the real cause of its failure. The practical understanding of the rejection of this measure, both at home and abroad, was submission to the belligerent aggressions; or, in other words, notwithstanding all our previous patriotic speeches and resolutions, we were determined not to resist by force. And what has been the result of this conviction on the part of the belligerents, of submission on our part? Great Britain immediately disavowed an arrangement made by Mr. Erskine, under the influence of instructions given under a contrary conviction, a conviction produced by the measures of this body, and by a report made by a gentleman, then a member of the House of Representatives, and whom he then saw with pleasure on this floor, and a resolution adopted in consequence of that report. This resolution declared our determination to resist the belligerent aggressions, with only two dissentient votes. The measures of this House, without any declaration, were calculated to produce the same conviction. In this state of things Mr. Erskine received his instructions, and a satisfactory arrangement with Great Britain was the consequence; but the moment Great Britain found we had receded from our own ground, and falsified our professions, she disavowed the arrangement, and now perseveres

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in hostile inflexibility. How did France act upon being apprized of this improvident and fatal recession? Her Emperor immediately seized and confiscated all your property within his control; and his Minister officially told us that he would have expected something more from a Jamaica Assembly! It is not to be presumed that Great Britain and France acted in concert upon this unfortunate occasion; and, therefore, the analogous conduct of each must be proof positive of the practical understanding and effect of our deprecatory recession. It was a declaration of submission, as far as submission consists in refusing resistance by force. The Government seems now sensible of this fatal error, and is determined to retrieve it; but, he was sorry to observe, with measures as inefficient upon the principle of resistance by force, as were commercial restriction, in a substitution of that principle. And when we look for the causes of this deplorable inefficiency, they resolve themselves, as heretofore, into tenderness for the Treasury Department, &c.

Mr. G. said, that whilst upon this most unpleasant part of the subject, he wished to be indulged in a few observations upon the state of our public debt; because this subject, in the hands of a skilful financier, had been the most efficient weapon for beating down all the measures which he believed were best calculated to support the character and promote the interests of this country. Mr. G. said it had always given him pleasure to see that debt in a rapid state of reduction, and he had at all times given his aid to facilitate that object.

We had, however, experienced the effects of a debt, of above \$80,000,000, now reduced to perhaps \$40,000,000, yet this difference of the amount of debt had never been felt by society. It had produced no sensible effect upon the common intercourse amongst men in their pecuniary affairs. He asked every gentleman to reflect and recollect, whether, in his pecuniary arrangements, he ever took into his calculations the present, compared with the former state of the public debt? For his part, he said, he should never have known of the reduction of the debt, but for the annual Treasury Report. The reason why a debt of eighty millions of dollars is not felt in the United States, is, that the amount is so entirely within their ability. Now, sir, is it not infinitely better to restore the debt to its former amount, or more, when we know from experience how little influence it has on society, and that influence will necessarily be diminished in proportion to our increase in wealth and population, than to surrender the smallest attribute of the national sovereignty?

Mr. G. said, before he concluded, he begged permission to observe, that particular individuals supposed they had an interest in imputing to him a wish to involve this nation in a war with Great Britain, and had accordingly reproached him with the most unworthy epithets. He said, no gentleman present wished for peace, or deprecated war with Great Britain, more than himself. He said, he hoped he was not blind to his own interests, nor the interests of those inhabiting the same

scene of country with himself. It was imperiously their interest, not only to preserve peace with Great Britain, but a free commercial intercourse with her. Grain was the principal product for exportation in that part of the country; Great Britain was almost at all times in want of that article, and was at this moment giving very high prices for it. The country was generally in a very prosperous condition, in consequence of this state of things, and it could not be desirable to change it. But he never could see the incompatibility between the desire of preserving peace, and a preparation to meet unavoidable war. It appears now to be almost universally agreed that if this course had been heretofore pursued, it would have insured peace; and if war should now come, it would be in consequence of the fatal rejection of the proposed measures of preparation for war. In fact, there is no sounder maxim, than that a preparation for war was the surest means of preserving peace. If in this moment, in consulting his own and the nation's interest, in the preservation of peace, he were called on to decide merely in reference to that object, whether we should now raise thirty thousand men (his favorite number) or ten thousand, or no men at all, he would certainly prefer the thirty thousand.

If you had thirty thousand men on the confines of Canada, Great Britain would then believe you were in earnest. She would know that after that force was raised, it must be applied to its objects, and she would of course begin to calculate its consequences. If she found that the inconveniences of opposing such a force, would not be compensated for by her hostile aggressions, she would probably abandon them. If she thought that by the chances of war an obedient and friendly colony might be converted into an enemy's country, it would afford a great inducement to her to avoid the war. If she found a hostile population approaching Halifax, the inducement would be increased; for that is the point nearest her heart; and she would risk much in its protection. It is important to her, as a protection to her West Indies, &c. Besides, the war would deprive her of her best commercial customer, &c., &c. These and similar considerations might induce her to prefer peace. Without presenting a competent military force, perfectly prepared and placed in a situation for action, none of these inducements for the preservation of peace will be presented to the British Cabinet. But if, disregarding these considerations, she should prefer war, no gentleman can seriously conclude that even thirty thousand additional troops can be too many for the purposes of war.

NOTE.—Observe the chronological statement of the following facts, and mark the obvious course of cause and effect.

HOUSE OF REPRESENTATIVES—Dec. 13, 1808.

The question was taken on agreeing to the following resolution, to wit:

"Resolved, That the United States cannot without a sacrifice of their rights, honor and independence, submit to the late edicts of Great Britain and France."

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And resolved in the affirmative—yeas 118, nays 2, as follows:

YEAS—Messrs. Alexander, W. Alston, L. Alston, Bacon, Bard, Barker, Bassett, Blackledge, Blake, Blount, Boyd, Boyle, Brown, Burwell, Butler, Calhoun, G. W. Campbell, Champion, Chittenden, Clay, Clopton, Culpeper, Cutts, Davenport, Dawson, Deane, Desha, Durrell, Elliot, Ely, Findley, Fisk, Franklin, Gardner, Garnett, Gholson, Goodwyn, Gray, Green, Harris, Heister, Helms, Holland, Holmes, Howard, Humphreys, Isley, J. G. Jackson, R. S. Jackson, Jenkins, Johnson, Jones, Kelly, Kenan, Key, Kirkpatrick, Lambert, Lewis, Lloyd, Love, Macon, Marion, Masters, McCreery, Milnor, D. Montgomery, N. R. Moore, T. Moore, Jeremiah Morrow, John Morrow, Moseley, Mumford, Nelson, Newbold, Newton, Nicholas, Pitkin, Porter, Quincy, Randolph, Rea of Pennsylvania, Rhea of Tennessee, J. Richards, M. Richards, Russell, Say, Seaver, Shaw, Sloan, Smelt, Smilie, J. K. Smith, J. Smith, Southard, Stanford, Stedman, Storer, Sturges, Taggart, Tallmadge, Taylor, Thompson, Trigg, Troup, Upham, Van Allen, Van Horn, Van Rensselaer, Verplanck, Wharton, Whitehill Wilbour, Williams, A. Wilson, N. Wilson, and Winn.

NAYS—Messrs. Gardener and Hoge.

The report of the Committee on our Foreign Relations, positively declared, that there were but three alternatives left to the United States by the belligerents: embargo, submission, or war.

Of course the resistance mentioned in the resolution, was intended to be resistance by force—not by commercial restriction. Look forward at the infidelity manifested to the principle of this resolution; and reflect upon its disastrous consequences. Attempts are now industriously making to cast the public odium upon those, who could not be driven from this wise, manly and pledged policy. Do they deserve it? Why are such attempts made?

IN SENATE—Feb. 20, 1809.

The bill "to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," was read the second time, and considered as in Committee of the Whole, and the President reported the bill to the House amended.

On motion by Mr. REED, to strike out of the 11th section, the following words: "And to cause to be issued, under suitable pledges and precautions, letters of marque and reprisal against the nation thereafter continuing in force its unlawful edicts against the commerce of the United States."

It was determined in the negative—yeas 11, nays 14, as follows:

YEAS—Messrs. Condit, Franklin, Gilman, Goodrich, Hillhouse, Lloyd, Mathewson, Parker, Pickering, Reed, and Sumter—11.

NAYS—Messrs. Anderson, Crawford, Gaillard, Giles, Gregg, Howland, Milledge, Moore, Robinson, Smith of Maryland, Smith of New York, Smith of Tennessee, and Turner—14.

February 22.

Yeas and Nays on the passage of the bill to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes:

YEAS—Messrs. Anderson, Condit, Franklin, Gaillard, Giles, Gregg, Howland, Kitchell, Leib, Mathewson, Meigs, Milledge, Mitchell, Moore, Pope, Robinson,

Smith of Maryland, Smith of New York, Smith of Tennessee, Thruston, and Tiffin—21.

NAYS—Messrs. Bayard, Crawford, Gilman, Goodrich, Hillhouse, Lloyd, Parker, Pickering, Reed, Sumter, Turner, and White—12.

HOUSE OF REPRESENTATIVES—Feb. 24, 1809.

On the question, that the House do concur with the Committee of the Whole in striking out of the eleventh section of the above-mentioned bill the following words: "and to cause to be issued, under suitable pledges and precautions, letters of marque and reprisal against the nation thereafter continuing in force its unlawful edicts against the commerce of the United States:—"

It was resolved in the affirmative, as follows: Yeas 74, nays 33:

YEAS—Messrs. Alexander, W. Alston, Bacon, Barker, Bibb, Blackledge, Blake, Blount, Boyd, Butler, Champion, Cook, Culpeper, Dana, Durrell, Elliot, Ely, Eppes, Findley, Franklin, Garnett, Gholson, Goodwyn, Harris, Helms, Humphreys, Isley, R. S. Jackson, Jones, Kelly, Kenan, Lambert, Lewis, Livermore, Lloyd, Lyon, Macon, Marion, Masters, Milnor, John Morrow, Moseley, Mumford, Newbold, Pugh, Quincy, Randolph, Riker, Rowan, Sloan, J. K. Smith, S. Smith, Southard, Stanford, Stedman, Storer, Sturges, Swart, Taggart, Tallmadge, Thompson, Upham, Van Allen, Van Cortlandt, Van Dyke, Van Rensselaer, Verplanck, Whitehill, Wilbour, Williams, and Wilson—74.

NAYS—Messrs. Bard, Bassett, Boyle, Brown, Calhoun, Clay, Cutts, Deane, Desha, Fisk, Green, Holland, Holmes, Johnson, Love, McCreery, John Montgomery, Nicholas R. Moore, Thomas Moore, Newton, Nicholas, Porter, Rea of Pennsylvania, Rhea of Tennessee, J. Richards, Matthias Richards, Say, Seaver, Smilie, John Smith, Taylor, Wilson, and Winn—33.

IN SENATE—Feb. 23, 1809.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes."

On the question to agree to the amendment of the eleventh section, as follows: Strike out the words, "And to cause to be issued, under suitable pledges and precautions, letters of marque and reprisal against the nation thereafter continuing in force its unlawful edicts against the commerce of the United States:—"

It was determined in the affirmative—yeas 17, nays 11, as follows:

YEAS—Messrs. Anderson, Bayard, Bradley, Condit, Franklin, Gregg, Howland, Kitchell, Mathewson, Meigs, Mitchell, Parker, Pope, Reed, Sumter, Tiffin, and White.

NAYS—Messrs. Gaillard, Giles, Gilman, Goodrich, Hillhouse, Leib, Lloyd, Milledge, Moore, Pickering, Smith of Maryland, Smith of New York, Smith of Tennessee, and Turner.

Mr. Erskine's instructions were given on the 23d of January, 1809, and his arrangement proclaimed by the President of the United States on the 19th of April, 1809. This arrangement was disavowed by the British Government on the 24th of May, 1809.

The French Rambouillet decree took place on the 23d March, 1810.

When Mr. GILES had concluded, Mr. ANDERSON rose and addressed the Senate as follows:

Mr. ANDERSON said, he was not a little surprised to hear the gentleman from Virginia (Mr. GILES)

say, that he was unprepared to oppose a very unexpected motion, when he, Mr. A., had two days before, whilst the bill was under consideration, suggested his intention, in his place, to make the motion he had now made; upon which the honorable member expressed a wish to postpone the consideration of the question, and immediately moved the postponement of the bill, which was not opposed, and of course prevailed. Mr. A. said, that the motion was not, therefore, made without due notice, and, he would add, without due consideration. He had consulted with a number of the members of this honorable body, for whose judgment and opinions he had great respect, and with whose approbation, and he might indeed add, at whose instance, the motion had been made. He was, however, himself ready and willing to meet all the responsibility that might attach to it; notwithstanding the surprise of the honorable member as to the quarter from which it had come.

Mr. A. said, he should not pretend to reply to all the various observations the gentleman had thought proper to make, very many of which he considered altogether irrelevant to the question under consideration, but which might, perhaps, answer some other purpose, which the honorable member might have in view.

Mr. A. said, he was as strongly impressed with the necessity of a sufficient force, for the invasion of Canada, as the gentleman from Virginia could possibly be, and not a single expression had escaped him to induce a belief that he should be unwilling to vote a proper and ample force for that service; but he differed greatly with the gentleman as to the kind of force we ought immediately to employ. The honorable member appeared to place his sole dependence upon the regular troops; and yet, if he understood his argument, he was decidedly in favor of making a descent upon Canada early in the Spring. As to the time, Mr. A. agreed with him; but as to the means, he certainly differed very greatly from him. The number of regulars contemplated by the gentleman could not possibly be raised within the time; he was therefore of opinion, that a less number ought to be inserted in the bill. It should be recollected that we had very recently authorized the regiments on the Peace Establishment to be filled; they would require at least 6,000 men; add thereto 25,000 more, the number proposed by the honorable member, and he would ask him to answer candidly, whether he really believed that so great a number of regular troops could be enlisted within the time required for the service to be performed. Mr. A. said, impressed, as he was, with a firm belief that not more than half the number proposed by the honorable member could be enlisted within the time they must take the field in order to act efficiently against Canada, he could not see the propriety of retaining the whole number contemplated by the bill. Mr. A. said, it must be well known to every gentleman, that the invasion of Canada must necessarily take place before the breaking up of the ice in the river St. Lawrence; otherwise, twice 25,000 would be required—because large reinforcements,

as soon as an opportunity presented, would most certainly be thrown into that country. Mr. A. said, upon a fair view of the whole subject, as it presented itself to him, he was decidedly of opinion that the number of regular troops to be raised by that bill ought not to exceed 16,000; and he had no hesitation in saying, that in his opinion, as efficient a force would be raised under such a provision within the time limited for taking the field, as would be raised were the present number in the bill retained—and in the former case, we should prove to our enemies, that we were able to raise such a number of regular troops as might be wanted upon a sudden emergency; but in the latter, we should not be able to make the same exhibit. What then would be the consequence? You would give a most mortifying proof that your means were not commensurate to your ends; that your plan had been badly digested, and worse executed. And surely the gentlemen can have no desire to present such a state of things, at the very moment when all the energies of the nation seem to be required. Mr. A. said, to avoid this extraordinary exhibit was also one of his objects; and this, in his opinion, could be done by taking the course he had contemplated; reduce the number of regulars, and supply the deficiency by volunteers. This, he firmly believed, was in our power. Combine the two corps; take nearly an equal number of each; and the object intended could be effected. Mr. A. said, he was convinced that it was the mode the President had contemplated, and he entirely approved it; and if the honorable member had attended to another part of the President's Message where it speaks of volunteers, he must himself have been convinced, that the President did not mean to make the descent upon Canada with the 10,000 regulars only; which had been understood, as the gentleman had stated, to be the auxiliary force referred to in the Message. The object of the President cannot be better explained than by referring to the Message itself. He says—"I recommend, accordingly, that adequate provision be made for filling the ranks and prolonging the enlistments of the regular troops; for an auxiliary force, to be engaged for a more limited time; for the acceptance of volunteer corps, whose patriotic ardor may court a participation in urgent services." The manner in which the President speaks of the volunteers, can leave no doubt upon the mind of any one as to the service in which they were to be employed—they are evidently intended to be united with the regular troops, to perform urgent services, according to the express language of the Message. Mr. A. would ask the honorable member, what was the urgent service meant by the President? Most certainly, a descent upon Canada, in which the regulars and volunteers were equally to participate. Why then, the honorable member had taken so much pains to prove that the 10,000 regulars were the only military force with which the President had intended to perform the urgent service referred to in his Message, Mr. A. was at a loss to comprehend;

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for he understood the Message and the object of it very differently ; and he should have expected that the candor of the honorable member would have induced him to have given the Message a fair interpretation. That he had not done so, must be supposed to proceed from this recent but very strong attachment to a regular military force. However anti-republican this doctrine had formerly been, it seemed now to be viewed through a different medium by the honorable member from Virginia. Mr. A. said, that having, as he thought, proved, by a fair interpretation of the President's Message, that he intended to unite the volunteers (that might be thought requisite) with the regular troops, to perform the urgent services of which he speaks, he would endeavor to present a fair and impartial view of the course recommended by the President, and compare it with the course which had been taken and so strenuously supported by the honorable member from Virginia. The President had recommended the raising of volunteers ; and it was incidentally made known, that the auxiliary force spoken of, was 10,000 regular troops. If then provision had been immediately made by the law for raising 10,000 regular troops, and also for raising volunteers, those troops now would be in a state of preparation ; a considerable number of the regular troops would ere now have been enlisted, and the chance of getting the whole number greatly increased. If time had been afforded, as it ought to have been, the laws passed within two or three weeks after Congress met, which might have been done, a sufficient regular force would, in all probability, have been in a state of readiness in all the month of April ; and the number of volunteers which might have been required to make up the necessary force, would no doubt long since have offered their services, and the whole have been in a state of preparation to take the field in time to have performed the arduous service contemplated by the President. But, instead of that course having been pursued, what has been done ? Your first military bill, reported only a few days ago, is now under consideration ; the session now almost half expired ; and, at this late period, the honorable member, to whom, as chairman of the committee, &c., the whole management of the military business was referred, insists upon raising 25,000 regular troops, whose duty it shall be to make a descent upon Canada, in all the month of May. Can the gentleman be serious ? Does he believe it practicable ? If he does, Mr. A. said, he should be obliged to believe, that the honorable member was in earnest some days ago, when he assured the Senate that he knew very little of military affairs. Mr. A. said, from the proofs we have repeatedly had, of the difficulty of obtaining men by enlistment for so long a time as five years, and the want in our country of those kinds of materials of which regular troops are made, he did not believe that one-half the number proposed to be raised by the bill could be enlisted within the time required. Mr. A. said, although he was not as much in the habit of prophesying as the honorable member, he would,

under all circumstances, adventure to predict, that the scheme of now raising twenty-five thousand regular troops, to perform the arduous service contemplated in the President's Message, would entirely fail, and that the course pointed out by the President must at last be adopted ; that is, to unite volunteers with regular troops.

Mr. A. said he *trusted* that the honorable member and himself had in view the same object, but differed as to the means of carrying it into effect. The means proposed by the honorable member were regular troops only. If then the bill should pass to raise 25,000, entire dependence would, in all probability, be placed upon the regular troops, *ordered to be raised* ; the consequence, as he had before said, would be, that the whole object must fail. He was, therefore, for taking the regular troops that could be raised in time, and supplying the additional number of men, which might be wanted, by volunteers—fifteen or twenty thousand of whom could, he had no doubt, be brought into the field, before ten thousand of the regular troops, contemplated by the bill, could be enlisted. By this mode (notwithstanding so much time had been lost) an efficient army might be yet provided in time to carry into effect the objects of the Government, which, Mr. A. said, he did not believe could or would be done, if dependence were placed upon the regular troops. Notwithstanding the little confidence which the honorable member seems disposed to place in the volunteers, Mr. A. said, he had no hesitation in giving it, as his most decided opinion, that at least as much dependence might be placed upon the volunteers, as upon the newly raised regular troops. The volunteers would have the same chance of discipline that the new regulars would have. A sufficient number of those who offered their services might be called into the field, as early as the season would admit, and placed under strict discipline : to which for their own honor or they would readily submit—nay, require, if left to their own choice ; for the first object they would have in view would be to acquire military skill ; and they would not only be very soon prepared to perform field duty, but might entirely be depended upon for any other service. Witness the prowess of the volunteers at the battle of the Wabash, and these had not been disciplined at all. Mr. A. said, he expected the honorable member would admit, that the materials of which the volunteers would be composed, would be at least equal to those of which the regular troops would be formed ; and the officers of the volunteer corps being appointed by the President, would, he had no doubt, faithfully perform their duty. Those, said Mr. A., are completely in our power ; and he considered it our best policy, as well as our duty, to bring them into action. Mr. A. said in addition to the *efficiency* of the means which he proposed to bring into the field, it would have one very considerable advantage over the regular army of the honorable member. It would be more conformable to the true principles of the Constitution, and would consequently be more acceptable to the nation. The confidence with which he

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had spoken of volunteers, was not founded upon visionary theory, but practical experience; he had often, in the Revolution, had opportunity to witness their military ardor and persevering firmness; on two occasions in particular, the one at Connecticut Farms, the other at Springfield, in the Spring of 1780. The enemy had advanced, in force about two thousand, to a place called Connecticut Farms, about four miles from Elizabethtown, in New Jersey. The only troops that were within striking distance to oppose this force, was the brigade of Jersey Regulars, containing then about a thousand men; many volunteers, however, flocked to their standard—the enemy were met by this force—a battle ensued—the American army had the advantage of the ground; but the right wing of the enemy extended so far, that if not suddenly checked, it would have enabled them to have flanked our left. It was necessary to prevent it—services of this kind must be promptly rendered; four hundred regulars and two hundred volunteers were ordered to execute it; no more could be spared from the line. A good position alone could have justified the attempt, with the disparity of numbers. It was first made by manoeuvre, but it was soon found it could only be done with the bayonet. A determined charge was made, and it was successful; the enemy were repulsed; the volunteers were upon the left; not a man broke his ranks. Some brave fellows fell, but their places were immediately filled; all behaved with the firmness of veterans. The next day, those troops had the thanks of General WASHINGTON in general orders. The volunteers had only joined the regulars a few days before the action. In about two weeks after, the enemy advanced in greater force—about five thousand—the troops who had been in the former action had kept their position where the battle had been fought; it was advantageous for an inferior force; it was a defile, covered for some distance on the right by a morass; on the left it was not well protected. Against this position, the enemy again advanced; and, by their increased numbers, they were enabled to extend their right wing so far as completely to turn our left. We were obliged to retreat; but not without having kept the enemy a considerable time in check. You know, Mr. President, there is no situation so trying to the bravery and firmness of troops, as a retreat (for even you, sir, I believe, had to retreat sometimes.) The volunteers, upon this occasion, behaved like themselves; a sullen, indignant step, marked their movements; and from the mouths of their guns they spoke to the enemy the language of defiance; the enemy did not advance one mile, before a fortunate position, supported by determined bravery, enabled the united force of the regulars and volunteers to arrest their progress for the remainder of the day. This day's action began with the dawn of the morning, and continued until the setting of the sun, when the enemy fell back to take a secure position against the expected attacks of the night. During the whole of this day's action, the volunteers kept the stations assigned them, which they sustained with as much

firmness as the regular troops. Many of them were killed and wounded. Among the number, were said to be seven of one family connexion, brothers, brothers-in-law, and cousins; several of whom he had himself seen after the action. Scenes like this, Mr. President, (said Mr. A.,) of which he had been an eye-witness, and in which he claimed some participation, had given him that confidence in volunteers, which he had evinced to the Senate in the course of his observations, and which, he said, should never cease but with his existence. They are, sir, the best military materials in your country—they are the flower of your forests; they ought not to be thrown into the back-ground, the better to enable the honorable member from Virginia to present his regulars in front.

Mr. ANDERSON said, I have stated, Mr. President, perhaps with some warmth, the grounds upon which my confidence in volunteers has been founded; and be it remembered, said Mr. A., that they were militia volunteers. He said, he ought to have stated, that the enemy they had encountered, was composed of regulars and Hessians—the whole under the command of the Hessian General Knyphausen. Mr. A. said the volunteers he now proposed raising he would have engaged for nine or twelve months, from the time of their reaching the place of general rendezvous. They should be engaged by officers to be appointed by the President, under such regulations (of course) as might be provided by law; but which could not now be well detailed.

Mr. A. said, he should now offer some observations upon the number of troops that ought to be employed. He said that the invasion of Canada was not now contemplated for the first time—it had often been a subject of conversation, whenever there had been any prospect of a war with England. It has been considered as the most convenient means upon which we could make reprisal, and thereby obtain some small reparation for the many losses and injuries, which have been sustained from the depredations committed upon the honor and interests of the nation. Mr. A. said, that upon different occasions, he had always given it as his opinion, that a descent upon Canada ought never to be attempted with a force of less than twenty-five thousand men; that such a force would make an awful impression—and would, in all probability, save many valuable lives; as no opposing force, in the usual state of the country, would be able to meet it in the field. Mr. A. said, he repeated, that no expression had escaped him, either in public debate or in private conversation, to justify the insinuations made by the gentleman, that he was unwilling to vote a sufficient force for the invasion of Canada. On the contrary, he believed that no man who had seen active military service, and who had any knowledge of the situation and state of that country, would say that it would be prudent or safe, to make a descent upon Canada, with a force of less than twenty-five thousand men; *peculiar circumstances* might, however, render it necessary, to attempt with a smaller number, and depend

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upon immediate supplies being furnished, to sustain the ground that might be acquired. Mr. A. said, the honorable member had intimated that he had not taken into consideration the peculiar situation of the United States in relation to the Floridas, and the other parts of the Southern and Western frontiers. He said he was much indebted to the honorable member, for evincing so much interest for those sections of the Union; but, Mr. A. said, he considered those already provided for, by the provision made to fill up the regiments on the establishment, which, when complete, would amount to ten thousand men; this number will be quite competent to all the objects suggested by the honorable member, and it had not been contemplated, that he had heard, to remove any of these troops from the South or West; consequently the situation of those parts of the Union can have no relation to the number of men to be raised by the bill under consideration. These troops are understood to be exclusively for the Northern section—and with that express view they are to be raised. Mr. A. said, before he quitted the subject of the Southern and Western frontier, he felt himself constrained to take notice of some very extraordinary language, used by the honorable member in relation to the intentions of the late and present Presidents, respecting the city of Orleans, in the event of a war with England. It was extremely painful to doubt the correctness of any gentleman's statement; but this was of so very extraordinary a character, that in duty to the section of the country he represented, and from the respect due to those distinguished characters, Mr. A. said he considered himself bound to take notice, in a particular manner, of the assertions made by the honorable member from Virginia. Mr. A. said, the words had very much surprised him when he heard them uttered; and he had immediately written them down.

The honorable member has said, that he did know, that in the event of a war it was the intention of the late President to let the English take Orleans without opposition, and leave it to the Western people to retake it themselves; and he did believe that it was the intention of the present Administration to act in the same way. [Mr. GILES attempted to explain; but Mr. A. insisted that the words, as he had taken them down, were correct, for which he appealed to the House. Mr. G. desisted from making any further attempt at explanation, and Mr. A. proceeded.] If, sir, said Mr. A., I could believe the late President of the United States capable of such an act; capable of so deliberate an infringement of the letter and spirit of the Constitution, and all the moral and political obligations by which he was bound to his country and to his duty, I should not hesitate to say, that all his well-earned fame ought to be forever merged in such an atrocious contemplated act. But, said Mr. A., knowing, as I do, the motives and views by which the late President had been uniformly actuated with respect to the whole Western country, I have very solid reason to believe he never contemplated, nor was he capable of committing so daring an outrage on the rights

and interests of the whole Western section of the Union. What, Mr. President, would any one of the old States say, at thus being thrown out of the protection of the Union? Nay, what would be the impulse of the nation were the President capable of declaring, that in the event of a war with an enemy, no matter whom, he would leave either Philadelphia, New York, or Boston, without offering any defence, to be taken possession of by the army of the enemy, and leave it to the citizens of the State whose town should be thus occupied, to retake it themselves? Sir, the indignation of those people, and of the nation, would rise to such a height, that whatever respect, esteem, or veneration they may have had for him, all would be instantly swept from their bosoms, and he would be hurled from their confidence forever. But, said Mr. A., the well-earned fame of our late illustrious Chief, is his shield and his buckler, as well upon this, as it has been upon many other occasions; and an elucidation of facts will test the correctness of the assertion made by the honorable member from Virginia. If, Mr. President, there was any one part of the United States dearer to the late President than any other, in a national point of view, Mr. A. said, he should naturally suppose it was New Orleans. It was, as it were, his own begotten child; he had nursed it in its infancy, and had almost reared it to manhood. Sir, he could never forsake it; much less could he voluntarily surrender it, to be sacked and plundered, as it most certainly would be, by a mercenary foe. I will now, Mr. President, examine some facts, said Mr. A., which have a strong bearing upon the assertion made by the honorable member from Virginia. It would be recollected by every honorable member upon this floor, that some few years ago, when it was understood that General Prevost, with a body of troops, had sailed from Halifax, with intent, as it was expected, for the mouth of the Mississippi, the then President apprehended the movement might possibly be to possess Orleans. What was the conduct of the President upon that occasion? Did he leave it defenceless for the enemy to take? No, sir; he immediately gave orders for all the troops that could be collected within almost any reasonable distance, to march immediately for the protection of the place; and those that were near the seaboard were instantly transported by water; and every exertion was made to throw a sufficient force into Orleans and its vicinity, to afford it the most ample protection. This, sir, happened shortly before the President went out of office; and no other occasion presented itself of evincing his good disposition towards that portion of the Union, until he was succeeded by the present Chief Magistrate, who has also been measurably implicated in the same charge, by the honorable member; but of this he has only expressed his belief; he has not, however, told us upon what that belief is founded. Inasmuch then, Mr. President, as the charge exists only in the belief of the honorable member, it is fair to presume purity of intention on the part of the Executive until the contrary shall appear: and this, Mr. A.

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said, he felt entirely confident never would appear. The uniform tenor of the President's moral and political rectitude, were ample vouchers for the correctness of his motives, and the purity of his intentions. Mr. A. said, so far as we have had an opportunity of judging of the disposition of the present Chief Magistrate, in relation to the protection of Orleans, we had not the smallest reason to doubt the purity of his intentions; and he had entire confidence, should an occasion present, that the President would faithfully, ably, and impartially discharge the duties he owed to every part of the Union.

Mr. A. said the observations of the honorable member, respecting the Secretary of the Treasury, the financial department, and the Administration as connected with it, required and should receive an answer. Mr. A. said he considered himself peculiarly bound to support the Secretary, as he had been the innocent cause, by introducing him into the debate, in the course of the observations he had made, in support of his motion, and thereby bringing upon him the animadversions, which the honorable member had taken occasion to make. His attack upon the Secretary is of a singular kind; he does not impeach a single official act of that officer, but throws out vague insinuations, in so untangible a shape as almost to defy an inquiry into their truth. The official acts of a public officer are always free subjects of investigation and discussion; but, does it comport with the dignity of a member of this body, to asperse without proof, not his acts, but his supposed opinions? The honorable member presumes the Secretary gave his assent to the repeal of the salt tax—upon what authority does he found his opinion of the Secretary? No proof can be given of it. Mr. A. said, he had always understood that the Secretary was opposed to the repeal of that tax. His numerous reports prove the fact; in all of which, if they are examined, it will be found that he considered that duty as one of the branches of revenue upon which he relied. But there would be no criminality, if we were to suppose that the Secretary had joined in the general opinion and given his assent to the repeal, as well as the honorable member has done; the fact, however, Mr. A. averred to be otherwise. That officer must be supposed more alive to everything connected with the Treasury, than other members of the Government. So far had the Secretary carried this feeling toward the Treasury, that he was not only opposed to the repeal of the salt tax, but Mr. A. had always understood that he was opposed to the repeal of the internal taxes at the time they took place; with a view no doubt not only to be able to meet all the demands that could be legally made upon the Treasury, but to procure a surplus to meet any contingency that the peculiar state of our foreign relations might demand. How then the honorable member can charge the Secretary with the deficiency which the salt tax would have prevented, according to the gentleman's calculation, Mr. A. said he was at a loss to know. The honorable member ought more properly to charge his own complaisance

with the great deficit which he seems so anxious to charge to the Secretary. The Secretary was opposed to the repeal of the salt tax, from his opinion of the correctness of it. The honorable member was also opposed to it, for the same reason; but from complaisance, he himself tells us, he voted for the repeal. He then, and not the Secretary, is answerable to the Treasury for the great loss sustained by the repeal of that tax; for he has told us, that its repeal depended upon his single vote; and that that vote he gave from complaisance, not from a conviction of its correctness.

The honorable member charges the Treasury Department with a recession from the difficulties of the nation during the last three years, and with the unwillingness of the Secretary to afford the usefulness of his talents to Government. Mr. A. said he could not well understand the meaning of this charge, as the honorable member acknowledges that Government had not called on the Secretary for greater exertions. Mr. A. said he would ask the honorable member—in what do that recession and unwillingness consist? Have not all the duties of the office been performed? Has the Secretary ever shrunk from responsibility upon any occasion, or declined answering to the fullest extent any of the calls made upon him by Congress, either for information or opinion? Has he not carried the financial bark safely to this moment, notwithstanding the difficulties of the times? Have not all the public engagements been fulfilled; all the increased expenses been defrayed; notwithstanding the decrease of revenue, occasioned by the state of our foreign relations? What is then meant by recession? Does the honorable member mean to say, that it was the duty of the Secretary to point out new branches of revenue; while those already existing were sufficient to defray the expense authorized by law? At this moment, while we are acting on the subject of the Army, which will (greatly) more than double the public expenses, the honorable member does not deign to inquire into the ways and means. He scouts the very idea, and finds great fault with him (Mr. A.) because he presumed to make some inquiry into the present state of the National Treasury. Whether we now vote six or ten regiments of infantry, with the addition of those of artillery and horse, the expense will be great; but we think it necessary some additional troops shall be raised, and will vote accordingly. After they shall have been authorized, and not before, the Treasury Department may be called upon, to point out the resources and present them to our consideration. The honorable member, not satisfied with his vague charge of what he calls a recession of the Treasury Department, extends the charge, in a most extraordinary manner, to the late and present Administrations. To their indisposition to press on the Treasury, and to disturb the repose and popularity of the Secretary of the Treasury, the honorable member ascribes the measures, which, in his opinion, had dishonored the nation the last three years. Can this be correct, Mr. President? Can this House believe that the late and present Administrations would be capable of

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acting upon such principles? The honorable member has roundly asserted that the late President, that Mr. Jefferson, whenever he was opposed to what he deemed unnecessary expense, instead of being actuated by his known aversion to saddle such an expense on the people, instead of being, as he had expressed it, averse to taking from the mouth of labor its hard earnings, had no other motive, but a fear to disturb the repose and popularity of the Secretary of the Treasury! But, Mr. President, what is the Treasury, abstractedly speaking? and what does the honorable member mean, by a fear to press on the Treasury? The officers of the Treasury are mere agents to receive and to pay the money which is collected from the people. There is never any real pressure on the Treasury. If there be at any time a pressure for the purpose of defraying any expense, it is a pressure on the people, who must pay the money. Whether the Treasury has ten or twenty millions to collect from the people, and to pay to the other agents of Government, the repose of the Secretary is not in the least disturbed. When, during the Revolutionary war, Congress was obliged to call on the people for heavy taxes, or unable to redeem our paper money, the pressure fell on the people, who had the taxes to pay and in whose hands the paper money died away. When, notwithstanding these inadequate resources, we were unable to defray the most necessary expenses, the pressure fell on whom? On our empty Treasury? No sir—it fell on the Army—on the defenders of your country—on those war-worn veterans, who were scantily fed, hardly clothed, and not paid at all, and whose earnings, at last, fell into the hands of speculating harpies. But, sir, what effect had this state of things upon the personal repose of your then Commissioners of the Treasury? Not the least, except so far as they felt for the distresses of their country, and identified themselves with its fate; and it is, only in this point of view, said Mr. A., that the repose of a Secretary of your Treasury can be disturbed on similar occasions. That substitution of the Treasury—of the chest into which the taxes are paid—to the people themselves who pay them, is one of those equivokes of which the honorable member is so fond. It is, however, an artifice too thinly veiled, to deceive the Senate, or mislead our constituents. Mr. A. said, the course taken by the honorable member had been so devious, that it had been hard to follow him, and indeed sometimes to understand his meaning correctly.

Mr. A. said, he could not, nor did he intend, when he rose, to answer all the observations of the honorable member—he had selected the most prominent, and should answer only one or two more. The honorable member had said, that to the unwillingness of the late and present Administration to incur expense, he attributes the present situation of our country. Although he has made this charge against the Administration, he has not specified any case in which the present Administration had refused to incur expense. Mr. A. supposed it would have been rather too bold a charge, after the measures adopted by the Presi-

dent, and with their result now before us; he had, however, specified two cases under the former Administration—a refusal to incur the expense necessary to carry the embargo into effect, and a rejection by the House of Representatives of a proposition to authorize contingent letters of marque and reprisal. Mr. A. said, he had always understood, that the Executive had used with great assiduity every means which had been placed in his hands by Congress, to carry into effect the several embargo laws; that the laws were as well executed as any restrictive laws, of so pressing a character, could have been upon so extensive a coast, and more so than the restrictive laws of Great Britain and France had ever been, with all their navies and their numerous armies; and that it was not because this law was not well executed that it was repealed, but in consequence of another consideration, well known to the honorable member himself, who can give as accurate a history of the repeal of that law as any honorable member of either House. Mr. A. said, with respect to the failure, on the part of the House of Representatives, to adopt contingent letters of marque and reprisal, he could not see how that could with any propriety be attributed to the late President. He did not indeed, by an official message, recommend such a measure; and the correctness of such a course might well be doubted, upon Constitutional grounds. But, Mr. A. said he well knew that the President was anxious for a provision of that kind, as a substitute for the embargo; whether in the precise phraseology of the provision the House rejected, Mr. A. could not say; but knowing, as he did, that the President was desirous of a strong substitute, he was sorry that the honorable member had attempted to attribute to him the failure of so important a measure, for which he was in no way responsible.

WEDNESDAY, December 18.

The bill extending the time of certain patents granted to Robert Fulton, was read the second time.

ADDITIONAL MILITARY FORCE.

The Senate resumed the second reading of the bill to raise, for a limited time, an additional military force; and the motion made by Mr. ANDERSON, to strike out the word "ten," section one, line three.

Mr. CAMPBELL of Tennessee rose, and, in substance, made the following observations. He said he would submit to the Senate some of the reasons which would govern his vote on this question, and then he would notice such of the remarks made by the honorable gentleman from Virginia (Mr. GILES) as appeared to him to relate to the grounds on which he acted. It would seem, said Mr. C., from what has passed on this subject, that little or no difference of opinion exists, especially among gentlemen on the Republican side, with regard to the objects to be effected by the troops proposed to be raised. All appear to admit the time has arrived in which you ought to, and must act; the crisis requires it; and nothing

short of a speedy and honorable accommodation of existing differences, securing your rights, or open war, in which you may avenge your wrongs, will meet public expectation. To produce one or the other of these results, and be fully prepared for either alternative, was his object; and he would vote for such a force as appeared to him best calculated for that purpose. If all are serious, said Mr. C., as I trust they are, in the professions made on this subject, the only difference of opinion appears to be in regard to the number and kind of troops necessary to effect the objects in view. Our decision on this point must be governed by the information we possess. The amount, as well as the description of the forces to be raised, ought, in a great degree, to be proportioned to and regulated by the impression intended to be made on your expected enemy, and the probable force to be resisted or subdued. The purpose for which these troops are raised, and the immediate use to be made of them, appear now to be made no secret. The honorable gentleman from Virginia (Mr. GILES) told you this force of twenty-five thousand troops, proposed to be raised by this bill, ought to be considered the Army of the North, and are intended to take and occupy Canada, &c. If it be intended, said Mr. C., to occupy this country, of which, at present, there appears no ground to doubt, it ought to be done with the least possible delay, and in a time much shorter than would be required to raise so large a regular force. This number, with the present establishment of ten thousand men, make an aggregate amount of thirty-five thousand. Of these you have in service little more than five thousand. Of course, near thirty thousand are yet to be enlisted. To raise and discipline this number, or the half of it, would consume more time than ought to elapse before you act, if you are determined to act with effect.

The motion is, to strike out the word "ten," the number of regiments of infantry, for the purpose of inserting "six." This would make the number of troops to be raised by this bill somewhat less than seventeen thousand men, and increase the whole regular force to nearly twenty-seven thousand men. Mr. C. said, from the best view which he had been able to take of the subject, upon the information we now possess, this force, aided by a proper proportion of volunteers, would be fully competent to effect any object the Government can have in view; to resist and subdue any force; and to occupy, if necessary, any territory in your neighborhood. On any sudden emergency, the number of volunteers or militia actually employed, might, and, perhaps, generally ought to equal, and, on many occasions, much exceed that of the regular troops, as they could be organized and marched to the scene of action in much shorter time than would be consumed in raising regular troops, would consist of better materials, and could be more relied upon to make a first impression than newly enlisted troops without the advantages of discipline. They would, also, when the service was completed, lay down the military character, return to their homes,

and again amalgamate with their fellow-citizens, without a murmur. Hence, the expense would be inconsiderable, the time of service being probably short. It is, therefore, fair to calculate, if your regular force amounts to twenty-seven thousand men, that you ought to, and will have in actual service, and, of course, in pay, forty thousand men. And will it be contended that this force is not sufficient to accomplish all the purposes which the most sanguine have in view? But, it seems, volunteers are not now to be relied on. You must depend entirely on regular troops—on a standing army. This doctrine is of modern date among Republicans, and may, if it should gain currency, sap the vital principles of your Government. The language of the President on this subject, in his Message, breathes a very different spirit. He recommends "that adequate provision be made for filling the ranks and prolonging the enlistments of the regular troops; for an *auxiliary* force, to be engaged for a more limited term; for the acceptance of volunteer corps, whose patriotic ardor may court a participation in *urgent* services; for detachments, as they may be wanted, of other portions of the militia," &c. Here, we perceive, he considers the new force recommended to be raised as only auxiliary to the present regular force. Hence, it would seem fair to conclude he did not mean the number of the former should exceed that of the latter. But, he seems to place considerable confidence in "volunteer corps," on the ground that their "patriotic ardor may court a participation in *urgent* services;" those very kind of services for which the force is now to be provided. He did, therefore, contemplate that such volunteers should constitute an efficient part of the force to be employed in effecting the more important objects now in view; and that, the militia, also, should be engaged, and contribute their share in supporting any contest that might ensue. But, it seems, your volunteers and militia are considered totally incompetent to perform any important military services. From them you are required to withdraw your confidence, and place it in regular troops only, of whom, you must raise an army sufficiently large to effect all your purposes. Let this doctrine be once established, and the people may tremble for their liberties when it is too late—when their chains are riveted upon them by a military power. But the attempt to raise so large a regular force at this moment, would retard instead of accelerate the completion of the objects intended; for, it will be found impracticable to enlist and organize such force in time to act before the proper season is gone; before the ice breaks up in the Spring. You might, indeed, collect that portion which consists of officers, but you cannot fill up the ranks. If ten or fifteen thousand effectives could be brought into service in time, it would equal his most sanguine expectations. You would, therefore, have, it is believed, a force equally efficient, if the proposed amendment prevailed, as if the bill passed in its present shape, while your expenditures would be thereby greatly

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diminished, and no obstacle whatever presented to the most decisive and vigorous course of proceeding. If immediate operations be intended, as he trusted they were, they must be principally carried on, in the first instance, by volunteers, who could, and ought to be embodied and prepared to act on the shortest notice. For this purpose, authorize the Executive immediately to officer, organize for a limited time, and put into motion, such number of volunteers who may tender their services, as shall be deemed competent to the occasion; bring to the scene of action as many of your present regular troops as may be spared from other services, and can, with the least delay, be concentrated; and let these, united with your volunteers and such of the new troops as can be raised in time, make the first impression, seize and occupy the country contemplated, and maintain the contest until the additional regular force, about to be raised, can be organized and brought into actual service. These may, then, support, and, in due time, relieve your volunteers. Hold the advantages you may have gained; repel any force that may be brought to oppose them, and extend, if required, your acquisitions; while, in the mean time, sufficient corps of the militia may be called into service and employed within the limits of the Union, with such of the regular troops as may be retained for the purpose, to protect your frontiers from incursions by the savages, and your coasts against attacks from a foreign enemy.

This mode of proceeding would enable you to act, before the season shall pass away in which your operations could be carried on, with the least probable resistance, and the greatest prospect of success. The most distinguishing feature that could characterize your proceedings, at this moment, would be, the expedition with which you progress, both in Legislative and Executive operations. But, if you wait, as seems to be contemplated by the gentleman from Virginia, until twenty-five or thirty thousand men are, by enlistments, raised, disciplined, and put in readiness for actual service, the time to act will have passed away; the ice will be broken up, and the approaches by water to the country intended as the scene of action, will be thereby opened; and, you may have to effect your object, should it then be practicable, at more than double the expense of blood and treasure that would have been required had you taken advantage of the proper time. What evidence have we, said Mr. C., to show that so large a regular force as that proposed by the bill is necessary? The object, as avowed by the gentleman, is to occupy Canada. From the best information he had been able to obtain, there are not more than six thousand regular troops, if there be that number, in the province. The gentleman states the number at about seven thousand. Suppose the latter to be correct, would not double the number of regular troops, (allowing for accidents of every description,) be sufficient to oppose to those? And, would not your volunteers be able to cope with Canadian militia? Upon these data what occasion can

there be, at this time, to increase your regular force to thirty-five thousand men? Have you no confidence in the knowledge possessed, and the opinion formed on this subject by your Government? Have they not as ample means, at least, as we have, to obtain correct information? This, no one, it is presumed, will deny; and the honorable gentlemen told you they are of opinion ten thousand additional troops, making the whole regular force twenty thousand, would be sufficient for the present occasion. To those, the Government, no doubt, intended to add as many corps of volunteers, properly officered and organized for the purpose, as circumstances should require; and such united force would, certainly, be competent, according to the present state of things, to subdue any opposition to be expected, and to occupy any territory in your neighborhood, that comes within the avowed object of your present preparations. But, Mr. C. said, he was willing to go further; to increase the regular force to nearly twenty-seven thousand men, and make ample provision for bringing into actual service such corps of volunteers, officered by the Executive, and such number of the militia as shall be considered necessary. Should his motion not prevail, he would, notwithstanding, vote for the bill, and for any other measures proposed that could, in any degree, contribute to maintain the rights and character of the nation. He should, also, at any future day, vote for such additional troops as the crisis might then require; and this appeared to him the most efficient as well as correct course. Raise, at present, the number proposed by the amendment, which most, if not all who are in favor of actual resistance, allow to be necessary, and before they are organized, you will be better able to determine what additional force, if any, will be necessary. This would produce more unanimity, occasion less delay, and could not, in any possible degree, weaken your operative measures, or embarrass your Government.

Mr. C. said, believing, as he did, the force proposed by the amendment fully competent to accomplish the objects all profess to have in view, he was unwilling to vote for a greater number. He was opposed, on principle, to swelling the regular military force beyond the bounds really demanded by the crisis, as it would be setting a dangerous precedent, that might, hereafter, be resorted to as a pretext for augmenting, from time to time, without sufficient cause, or beyond the nature of the exigency, your standing army; until the people might, perhaps, be awakened from their security, as has been the case on many occasions in other countries, by feeling the pressure of the chains of military despotism. He was, also, unwilling to charge the nation with expenditures which its finances were not prepared to meet, and which, in his opinion, the occasion did not require. He trusted it was not the intention of any one, by raising so large a regular force, and thereby incurring so great an expenditure, beyond what it is believed was necessary, to drain your Treasury, embarrass your fiscal concerns, and paralyze the best concerted measures of your

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Government. If, however, such were the objects intended, a more effectual mode to accomplish them could not be adopted.

If war becomes indispensable, you ought not to calculate that it will be of short duration. You can make war, but it does not rest with you alone to make peace. Every effort ought to be made to bring it to a speedy termination, and all the means that could be usefully employed afforded for that purpose. But you ought not, in the beginning, to waste unnecessarily your treasures, which are the sinews of war; your exertions should be proportioned to the resistance to be overcome; and no more of your energies and resources exhausted than the occasion requires; always reserving the residue to meet a more urgent emergency. War once commenced, you ought to calculate on supporting it, on at least the same, if not on a more extended scale, not only for one, but for many years, as it cannot be known how long it may be continued.

The American people, said Mr. C., will, without a murmur, support any expenditures they believe necessary to maintain the rights and avenge the wrongs of their country. But they will expect you to restrict those expenditures to such only as the emergency shall require; and that before you call on them for new contributions, you will be prepared to show you have disposed of the means already in your hands to the best advantage. Your Government has, no doubt, estimated the probable amount of force that would be required to accomplish the objects in view; they have probably made arrangements, so far as rested with them, to meet the expenses of such force; they would also, he conceived, be in a great degree responsible that it was competent for the purposes for which it was raised, should be employed to effect those purposes, and that your finances could be rendered adequate to its support. But what are you about to do by this bill? Derange all those plans and change the responsibility. Instead of twenty or twenty-five thousand, the number deemed sufficient, you force upon the Government thirty-five thousand regular troops. You thereby take upon yourselves the responsibility of raising a force much larger than was required, or can be usefully employed; of occasioning a great unnecessary expenditure, which will drain your Treasury, embarrass your finances, and probably compel you to impose new burdens on the people. Will they not inquire into the causes of those extraordinary measures, and ask wherefore were those new taxes imposed, those expenditures incurred? What occasion was there for so large a regular army? On what great emergency were they to be employed, and what numerous force was to be resisted or subdued? Those will be natural inquiries, and the answers will, no doubt, suggest themselves, that a great portion of these expenditures was incurred contrary to the views of the Executive, and for which he would in no respect be responsible; that little more than half the regular force raised was deemed competent to effect all the practicable objects within your reach; that the

force to be resisted or subdued was not known or believed to be considerable, nor such as to require the number of troops ordered to be raised; but that a majority of Congress took upon themselves, without sufficient cause, to raise this large army, incur this immense expense, and consequently require those new burdens to be imposed. For all this, therefore, and the consequences that may flow therefrom, such majority, and not the Executive, must and will be responsible to the people.

Mr. C. said, he would now notice more particularly some of the arguments adduced by the honorable member from Virginia, (Mr. GILES.) He did not propose following him through the various course of his reasoning, much of which, however ingenious, did not appear to him relevant to this subject, and although on that account would not now be answered, he did not subscribe to. The honorable gentleman said, in case of war, your present military force of 10,000 men would be required to protect your Western frontiers, and prevent New Orleans and Florida being taken by the British, &c.; and, therefore, that 25,000 additional regulars would be necessary, and little enough, to effect your purposes in the North, &c. Mr. C. said no object could be more interesting to the Western country than the security of New Orleans; no one could feel more sensibly than he did the importance of affording effectual protection to that place, as well as to Florida and the Western frontiers; and he believed no one was more anxious than himself, or would go further to provide the most ample means, and such as could be most usefully employed for those purposes. He trusted the gentleman's professed regard for the protection of that quarter of the Union was sincere and would long continue. He would not, however, suffer himself to be induced by his anxiety for even those favorite and highly important objects, to abandon his solemn duty, by raising a force so much larger than, in his opinion, the occasion required. He was inclined to believe 5,000 regular troops, with the aid of volunteers and militia, would be competent to protect New Orleans and its neighborhood. The number of forces necessary to protect the Western frontiers would depend upon circumstances, and the disposition of the neighboring Indian tribes. But a considerable proportion of the force requisite for that purpose might consist of volunteers, or corps raised for a limited time, whose services would be equally useful, and would enable the Government to dispense with the employment of any large portion of your regular troops in that quarter. We have as yet, said Mr. C., taken possession of that part only of West Florida, to which our territorial claim extends, and there appears no ground, at present, to be alarmed for its safety. The employment, therefore, of so large a regular force as 10,000 men in that quarter, does not appear necessary, and can furnish no good ground for raising so large an additional army as that contemplated by this bill. But the gentleman inquires, what you would think of New Orleans and New York being taken

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by the British? and observes, if this should take place, you would not remain in power, or be the men who would end the war, &c. It might not be very important, said Mr. C., to the nation, whether the men now in power should long continue to enjoy it or not; or whether, in case there should be war, they or their successors should terminate it. Measures and not men is the maxim by which we ought to regulate our conduct; and if their successors should be equally or more competent to execute the important trusts reposed in them the nation would have nothing to apprehend from the change. It was, however, a doctrine to which he could not subscribe, that they were to act contrary to what they believed their duty, in order to avoid losing their places. But why this attempt, said Mr. C., to exaggerate the dangers and raise the fears of the citizens of New York and New Orleans? and to excite in the public mind apprehensions for the safety of those places? This could answer no valuable purpose; its only effect would be to produce groundless alarms, and inflame, for a while, the public sensibility. There appeared no substantial grounds to be alarmed for the safety of either of those places. The position of New Orleans is such as renders it difficult of approach to an enemy, and, by the employment of proper means, capable of being successfully defended. The fortifications of New York are stated by those best informed on the subject to be in such a state of completion as would enable that place to resist any attack likely to be made upon it; and there is no rational ground to doubt that Government will employ the best means they possess for the security and protection of those places.

The gentleman did indeed make a statement, said Mr. C., which, at the time, very much surprised me. It was, (as I took his words down,) "that he did know it was the intention of the former Administration in case of war, not to protect New Orleans, but let Great Britain take it; and that the Western people would be left to retake it themselves;" "that he did not know the intention of the present Administration on this subject, but believed it to be the same with that of the former." This appears to me, said Mr. C., a charge of the most serious and alarming nature, and, if well-founded, would merit the most severe reprehension. But to establish it, under existing circumstances, would require strong and incontestable proofs. That the Government should, without any known inducement, abandon one of the most important places in the nation, and, without attempting its defence, suffer it to pass into the hands of an enemy, is, in itself, so improbable, and would argue so great a weakness, or what is worse, such political depravity, that if I had no knowledge of the transaction alluded to, or of the persons then composing the Government, I could not, without the most convincing evidence, persuade myself to believe it. I should be forced to conclude that however sincerely the gentleman might believe what he stated, he must have been misinformed on the subject, or have mistaken the views of the Administration. And

here it might seem natural to inquire, if the gentleman was, at the time, informed of designs entertained by the Administration, so derogatory to the character, as well as dangerous to the dignity of the nation, and so evidently ruinous to the Western portion of the Union, why he did not make them known to the public, or at least to those who were so deeply interested in guarding against their consequences? But, said Mr. C., in 1808-9, the time it is presumed alluded to, when some apprehensions were entertained for the safety of New Orleans, I was a member of the other House. It became my duty to ascertain, so far as circumstances rendered it proper, the measures intended to be adopted, and the means that were to be used for the protection of that place, whose safety was so important to the people I represented; and if confidence could be placed in the declarations of those who then composed the Administration, (and their veracity, it is believed, has hitherto never been justly questioned,) it was their intention and solemn determination to defend it to the last extremity, in case it was attacked, by all the disposable force and means in their power. That this was their real intention appears sufficiently established by their subsequent conduct, in sending a considerable number of troops, as well as gunboats, to that place for the object alone of protecting it; and who were ordered to take such position as should be best calculated for that purpose. The destructive calamity experienced by those troops from the insalubrity of the climate, must be fresh in the recollection of all. But the uniform conduct of the late Executive, during the whole course of his administration, (of which unreserved candor was a distinguishing characteristic,) and in particular, the just regard he paid on all proper occasions to the best interests of the Western people, are of themselves more than sufficient to shield him against the imputation of the views now ascribed to him. I cannot, however, but express my regret that this statement, made at this time, should have the appearance of throwing a censure on the conduct of the late venerable President. He has retired, accompanied by the plaudits of his fellow-citizens, and the high respect of the real friends to civil liberty throughout the world, to the shades of private life. Why not suffer him to repose there undisturbed? I can hardly persuade myself it was intended by this statement to impeach the purity of his motives; but I cannot omit observing, that it appears to me a melancholy proof of the malignity of the human mind, that so many attempts should be made to sully the well-earned reputation of that illustrious statesman, whose fame will survive the lapse of ages, and glide down the tide of time unimpaired, while that of his enemies will vanish like the fleeting smoke, or descend with themselves to the tomb of oblivion.

With regard to the present Administration, Mr. C. said, he did not know their particular views on this subject; he had, however, no reason to believe that they were such as the gentleman seemed to consider them. He could not for

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a moment entertain the idea that they intended to abandon the protection of New Orleans, and he did not believe there was a single act of the Executive that would justify such a conclusion.

The honorable member asserted this motion was in opposition to the spirit of the President's Message, and the measures therein recommended, &c.; he observed, the Secretary of War did indeed state, in conversation, to him, that ten thousand additional regular troops might answer the present purpose, but that he differed entirely in opinion with the Secretary on this subject, and gives you to understand that this *inofficial* statement, (as he chooses to call it,) which he considers as coming from the Executive, was at variance with his official communication in his Message, &c.

Mr. C. said he could not admit the correctness of the conclusions which the gentleman drew from his premises. It did not appear to him that this motion, or the statement alleged to have been made by the Secretary of War, was in opposition to, or at variance with, either the spirit of the Message, or the specific measures recommended therein. It is true, the honorable gentleman differed in opinion from the Secretary with regard to the number of regular troops necessary to effect the purposes intended; and it would seem the principal question was, whether on this subject the opinion of the former, who professed to have no knowledge on military affairs, or that of the latter, as the organ of the Executive, (as he was alleged to be,) deserved most weight, and ought to be most relied upon. Mr. C. said he had already stated the sense in which he understood the Executive recommendation on this subject, and endeavored to show the force proposed to be raised by this motion, connected with the other measures he wished adopted, was in conformity to the views presented by the Message. He would now, however, again recur to the words of the Message itself, and see if they furnished any just grounds for the gentleman's deductions and satirical strictures. The parts particularly alluded to are in the following words: "With this evidence of hostile inflexibility, in trampling on rights which no independent nation can relinquish. Congress will feel the duty of putting the United States into an armor and an attitude demanded by the crisis, and corresponding with the national spirit and expectations. I recommend, accordingly, that adequate provision be made for filling the ranks, and prolonging the enlistments of the regular troops; for an auxiliary force to be engaged for a more limited term; for the acceptance of volunteer corps, whose patriotic ardor may court a participation in urgent services; for detachments, as they may be wanted, of other portions of the militia." &c.

Here we see, said Mr. C., the specific measures officially recommended by the Executive, and may form an opinion of the spirit of his Message, to which allusion has been made. Let us now examine the measures proposed to be adopted by those in favor of the present motion, and which

are, with little variation, consistent with the statement, termed *inofficial*, said to be made by the Secretary of War. They are, to fill up the ranks of the present regular troops, for which a bill has already passed; to raise an additional (or auxiliary) force of nearly 17,000 men; and also, to authorize bringing into service such volunteer corps and portions of the militia as the occasion may require. This will make the auxiliary force much larger than the principal force, in aid of which it is required; and it would seem a fair construction of the words of the Message, as already stated, that the auxiliary force, as said to be suggested by the Secretary of War, should be equal only to the principal force; the whole regular force thus provided would be nearly 27,000, which, with the volunteers to be authorized, (who were undoubtedly considered by the Executive as an efficient part of the troops to be employed,) would put in the power of the Government a disposable force, exclusive of the militia, of at least 40,000 effective men. This force, which might be increased as circumstances should require, is certainly competent to accomplish all the attainable objects the most sanguine can have in view. In what respect, then, can these measures be considered in opposition to, or at variance with, either the spirit or language of the official communication? If the forces furnished be fully competent to effect the purposes for which they were required, will you not, then, have put the United States "into an armor and an attitude demanded by the crisis, and corresponding with the national spirit and expectations?" And will not all the objects of the Executive recommendation be complied with?

There does not, therefore, appear any ground whatever, except in the imagination of the gentleman, for the alleged variance between the official and responsible communication of the Executive, and that which has been termed *inofficial* and irresponsible. Nor was he able to perceive what public good could arise from statements evidently calculated, if not intended, to misrepresent the views of the Administration. He was himself convinced, from sources to him entirely satisfactory, the views of the Executive were really such as had been presented to the public by his Message; such as they ought to be, and such as would, if supported and promptly carried into effect by Congress, maintain the rights and vindicate the honor of the nation.

It seems, however, you must raise the number of troops contained in the bill, whether they can be usefully employed or not; for the honorable gentleman says, if you raise less, Great Britain will not believe you are in earnest, or that you mean to use physical force, &c.; and further observed, she had in Canada seven thousand regular troops and fourteen thousand militia, &c. I cannot, said Mr. C., subscribe to the doctrine that we are to raise a force greater than is competent to accomplish the substantial objects we have in view, for the purpose alone of convincing that nation we are in earnest—that is, that we mean what we say. This would appear to me beneath the dignity of the Legislature, and derogatory to

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the national character. Besides, there is no reason to believe it would have the proposed effect; it would only waste unnecessarily your resources, without producing the least public advantage. There are some of your own citizens who pretend to believe you are not seriously determined to prosecute the avowed objects of your preparations; and the British Government, as usual, may probably take its tone from theirs. The use you make of your troops, as well as the decision and energy with which you act, and not the number you raise, will best prove your sincerity, and will alone probably convince that nation that you are not only in earnest in your preparations, but that you know and will maintain your rights; and that you feel your wrongs, and will avenge them. With regard to the forces Great Britain has in Canada, said Mr. C., there is no reason to believe, as already stated, the regular troops there exceed six thousand, or that there could be more than ten thousand militia brought into actual service. Suppose, however, the statement of the gentleman correct, would not double the number of your regular troops be sufficient, under all supposable disadvantages, to oppose the seven thousand British troops? And could not your volunteers successfully encounter Canadian militia? No one, it is presumed, would be willing to deny this. Upon what solid ground, then, can it be contended that twenty-five thousand regular troops would be necessary for that service?

But the honorable gentleman says he has not much confidence in volunteers; that they will melt away like a ball of snow, &c. This doctrine, said Mr. C., is, as has been already stated, of modern date among those professing to be Republicans; it was once considered rank Federal doctrine, which gave alarm to the friends of liberty, and contributed in a great degree to destroy their confidence in those avowing it. The militia have always been considered, by the most distinguished advocates of sound principles, the bulwark of our liberties, and, on emergencies, the guardians of our rights. Volunteers are the better sort of militia, and at least equally to be relied upon; they have, on many occasions during the Revolution, distinguished themselves by their patriotism and bravery. Why should we now place no confidence in them, or insinuate they would desert their posts? Will they not serve out the time for which they may engage; and cannot then their places, if necessary, be supplied by others?

Mr. C. said, it was difficult to perceive how some of the arguments adduced by the honorable member could be reconciled; for, at the same time that he insists upon increasing your expenditures much beyond what he states to be the views of the Government, he gives you to understand that the person who has the direction of your revenue is not well qualified to provide the means necessary to meet such expenditures. If this be the case, it would seem a strong argument for circumscribing your expenses as much as practicable. He told you the Secretary of the Treasury had the reputation of possessing great finan-

cial talents; but he inquired what evidence he had ever given of a capacity to devise ways and means to bring money into the Treasury, and said he believed none; and added, that his (the Secretary's) talents had induced us to get rid of the direct tax, and of the salt tax, &c. The financial talents of the gentleman at the head of the Treasury Department are too well known, said Mr. C., to be made at this time the subject of investigation, or require new proofs to support them. Every man, in any tolerable degree conversant with the proceedings of your Government for the last fifteen or twenty years, must possess sufficient data to enable him to form an opinion for himself on this subject. He must, however, be permitted to declare, Mr. C. said, this was the first time he had heard the talents or financial capacity of that officer, since he came into the Government, brought into question by any gentleman of known standing and information. The sources from which your revenue must arise, are in their nature neither numerous nor very complex, and must be obvious to most, if not ail men of any tolerable information. Duties on importations, and the proceeds of your public lands, constitute the sources on which you must principally rely, unless you resort to internal taxation, which the course pursued by gentlemen will probably require. The Secretary had no power to draw money from any other sources than those provided by law. He could not create new sources of revenue; he could recommend the imposition of new taxes, in order to bring money into the Treasury; but the extent of your expenditures hitherto, it appears, did not require it; and Mr. C. said he sincerely wished, as did, he believed, the great majority of the nation, that this might long be the case—that there might be no call for the exertion of his great financial talents to invent new modes of squeezing money out of the people's pockets without their being sensible of it, to replenish your exhausted Treasury; for, whatever may be the nature of taxes, they must be ultimately paid by the people; and the inquiry can only be with regard to the mode in which they may be induced most willingly to make the required contributions. This is the art that would, above all others, answer the gentleman's idea of great financial capacity—that is, the capacity to bring money into the Treasury. But it is believed that the only opportunities afforded that officer, according to our present fiscal arrangements, of exercising financial capacity, consist in skillfully conducting the collection of the revenue from the sources created or established by law, and managing it afterwards with correctness and economy to meet the public demands; and those important duties, it seems admitted, have been satisfactorily performed; for the gentleman says, that that officer has annually made you very lucid reports on your finances, showing the receipts and expenditures, &c.

In relation to the repeal of taxes ascribed to the Secretary of the Treasury, the honorable gentleman must have labored under a mistake. He stated, the repeal of the direct tax; he probably

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meant of the indirect taxes; the former was imposed for a year only, and the law expired before that officer came into the Government; the indirect taxes were repealed afterwards; and though from the information he, Mr. C., had obtained on the subject, that officer had no agency whatever in such repeal, he believed the measure was very generally approved of by the Republicans throughout the Union. He could speak with more certainty relative to the repeal of the salt tax, being then a member of the other House, and in a situation that made it his particular duty to attend to that subject; and it was then distinctly understood, the Secretary of the Treasury did not approve of the measure, (as will sufficiently appear from his official reports;) that he considered that tax not an oppressive one, at the same time that it was productive and collected without any extraordinary expense; the Executive, however, recommended the repeal of it, and after several unsuccessful attempts, the measure at length succeeded. The Secretary of the Treasury cannot, therefore, be considered in any respect whatever responsible for the repeal of those taxes; and it must appear very extraordinary that, after a great majority of the nation has so long unequivocally approved that measure, it should now be brought forward as evidence of the incapacity or misconduct of that officer.

The honorable gentleman says, the inexecution of the embargo produced its repeal, &c.; and that this was occasioned by the Executive refusing to accept the means offered him by Congress to enforce the execution of it; and strongly insinuates all this was produced by the influence of the Treasury Department, through the Executive. The repeal of the embargo, Mr. C. said, was a subject on which he did not wish to enter. It was always to him the most unpleasant that could present itself. It had at the time met with all the feeble resistance that was then in his power (weak as his state of health was) to oppose to it. He considered it a measure which not only damped, but chilled the spirit of the nation, and impressed a stain on its character, to wash out which would probably require much of its best blood. It was not, however, the inexecution of the embargo that occasioned its repeal, nor was it the influence of the Treasury or Executive Departments. It was the fatal panic with which certain members in both Houses were seized, in consequence of the clamorous threats of the opposition in certain quarters of the Union, that produced that effect. The plan of the Executive undoubtedly was, (as he understood it from himself at the time,) to continue and enforce the embargo, combined with the non-intercourse, until the extraordinary session proposed to be held in the following May; which would give time for that measure to have its full effect on the belligerents; would add but little to the pressure felt by our own citizens, and would afford all the chances of avoiding war, arising from the probability of those Powers being induced to rescind their unjust edicts, and again respect neutral rights. Should this favorable change in their conduct, however, not take place,

it was understood to be the opinion of the Executive, that war ought then immediately to succeed, and substitute the embargo. The nation then would have been prepared for the event; its forbearance would have been sufficiently evinced; it would have possessed all its own resources unimpaired, and had also within its power more than twenty millions of the property and treasures belonging to one of its expected enemies, which might justly be made to contribute to support the war that should be thus forced upon us. The spirit of the nation was not only unbroken and firm, but rising with the growing danger of the crisis, and its character stood high at home and abroad; but the fatal proposition to repeal the embargo, like a demon, or the evil genius of the nation, presenting itself, paralyzed, as if by enchantment, the best concerted measures, and dissipated all those fair prospects. It always appeared to him, Mr. C. said, as placing the National Legislature (he would not say the nation) in the same situation that the unwarrantable desertion of his post, in the day of danger, would place an individual. He had often been surprised at the numerous attempts made, in and out of Congress, by some of those very persons who voted for the repeal of the embargo, to charge unjustly, in his opinion, the whole responsibility of that measure on the Administration. But he could not comprehend upon what ground the honorable gentleman from Virginia, who himself introduced and supported the measure, could at this day expect to transfer the odium of it to the Executive and Treasury Department.

The members of the National Legislature are undoubtedly accountable to the people for the laws passed by their votes; and it must be with a very bad grace they ascribe their enactment to the influence of others. The honorable gentleman informed you, he proposed to issue letters of marque and reprisal as a substitute for the embargo, as being in his opinion better calculated than that measure to maintain the honor and promote the interests of the nation, &c. Mr. C. said, he understood the provision alluded to, in a sense very different from that stated by the gentleman. Its true meaning would, however, be best understood by recurring to the provision itself. It is found in the 11th section of the non-intercourse bill, as passed by the Senate in 1809, in the following words: "That the President of the United States be, and he hereby is authorized, in case either France or Great Britain shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation, after which the trade of the United States suspended by this act, and by the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, may be renewed with the nation so doing, and to clause to be issued, under suitable pledges and precautions, letters of marque and reprisal against the nation thereafter continuing in force its unlawful edicts against the commerce of the United

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'States.' The latter part is the provision alluded to, which was stricken out in the House of Representatives. It is clear, said Mr. C., that by this provision, no authority was intended to be given the President to issue letters of marque and reprisal, except in the event of one of the two great belligerents revoking its unlawful edicts, and the same being declared by proclamation, &c., upon which he was authorized to issue letters of marque and reprisal against the other, who should thereafter continue in force its unlawful edicts, &c. If both refused to revoke their edicts, there was no authority to be given to issue letters of marque and reprisal against either; and in that event, the provision would have been a dead letter, or indeed worse, as its menacing appearance might have a tendency to irritate, though it was in no respect calculated to make any serious impression. It appeared to him at the time a very extraordinary measure, and the most impolitic and dangerous that could have been proposed, and he would venture to assert, you might in vain search for its likeness in the annals of nations; it was, in fact, putting it in the power of one belligerent to declare war for you, or determine when you should declare it against the other; and at the same time, enabling the other—who would know, if she did not accede to the terms proposed, war would be the consequence—to take advantage of the situation in which you would place yourself, and, in case she determined not to revoke her edicts, make the first attack upon you, when you would first learn such was her determination from the mouths of her cannon, by the seizure of your ships, and the bombardment of your towns. It would also be holding out a threat to the belligerents, which would be more likely to enlist their pride on the side of persevering in their measures, than to induce them to change them, and this is, said Mr. C., the very wise and important measure said to be intended as a substitute for the embargo! "To maintain the honor and promote the interest of the nation, and the rejecting of which occasioned the British Government to disavow the arrangement with Mr. Erskine!" Mr. C. said he could hardly persuade himself that the honorable gentleman was serious in this statement. It was the first time he had ever heard any importance attached to that measure. It was in itself too crude and inconsistent with national policy to claim or receive public notice at home or abroad; its existence was probably never known in Great Britain, and its rejection could certainly have had no agency in the disavowal of the arrangement with Mr. Erskine. The premature repeal of the embargo, combined with the great events then unfolding themselves in Europe, no doubt, produced the disavowal of that arrangement.

Among the many extraordinary materials pressed into this discussion, was a paragraph from a newspaper published in Quebec, read by the gentleman, it is presumed as a part of his speech. This was not a comment on the President's Message, (as it was stated by the gentleman to be,) but a

petty effort, of the most stupid kind, to censure, by anticipation, what the writer supposed the Message, which he had not seen, would contain. Mr. C. said he would not deign to remark on the contents of that production, nor sully the discussions of the Senate, by again bringing before them matter, in his opinion, so indecorous, as well as frivolous and irrelevant. He noticed it only to express his surprise that the honorable member, contrary, as he believed, to his usual practice, should so far descend from the respect due himself and the National Legislature, as to introduce on this floor a scurrilous paragraph from a petty newspaper, published in a neighboring dependent colony of a foreign Power, the object of which was to reflect on the proceedings, though not then known, of his own Government.

The honorable gentleman has told you that in '76, when your population was but about two millions, you had more than forty-six thousand regular troops in service; and now, when your population is more than threefold, and your pecuniary resources greatly increased, it is proposed to raise thirty-five thousand only, and yet an alarm is made about supporting them, &c.; and he asks "If we are at the maximum of our capacity; and whether an occasion does not exist to call out a force as great as our capacity would enable us?" &c.

Mr. C. said, according to the information he had obtained on the subject, the forty-six thousand men in service in 1776, were not all regular troops, but including all descriptions of troops then employed under public authority. He could not, however, perceive how the number employed in 1776 should regulate the number now to be raised. The object then was, to shake off the shackles of slavery that enchained the people of this country, and were about being rivetted on them with additional severity. It was a great effort to resist the oppression of a powerful nation, having at the time, and claiming the right to hold the actual government of the country; and possessing a disposable force, which it was known she intended to employ for the subjugation of the people of this country, much greater than their population or means could be supposed equal to resist. The question, *then*, with the American people, was not what force would be necessary to bring into service, but what force the exertion of their utmost energies could oppose to their powerful enemy. Such is not the question at this time; no one denies the ability of the nation to bring into actual service, and also provide for their support, if the occasion required it, not only thirty-five thousand, but one hundred thousand men. Seven millions of people, with the pecuniary resources of this country properly managed, could not be really oppressed by the employment and support of one hundred thousand men for such term as it is reasonable to suppose the war would continue.

But the question now ought to be, what number of troops, and of what description, is requisite to accomplish, in due time, and with sufficient certainty, the objects you have in view, and

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would at the same time occasion the least public inconvenience, and produce the least pecuniary pressure on the people. To determine this correctly, you must regulate the number and description of troops you call into service, by the amount and kind of force to be resisted or subdued, and not by the capacity of the nation. There is no ground to believe, from the gentleman's own statement, the force to be opposed is so great as to require the utmost exertions of the nation. We have not, therefore, said Mr. C., come to the maximum of our capacity; nor does an occasion exist that requires a force to be raised as great as our capacity would enable us. It would be the worst policy we could pursue, and prove most injurious to the nation, to call into actual service, at the commencement of a war, a force so greatly beyond what the occasion demanded, and thereby waste your strength and exhaust your resources before the crisis arrived that might require the exertion all your energies. It would seem, said Mr. C., as if gentlemen conceived they evinced their patriotism by the number of regular troops for which they voted; nothing could, however, be more fallacious, nor would the public be deceived by such a delusion. It was as easy to vote for 100,000 men as for 10,000; but the people must at last furnish both the soldiers and the means to support them, and the nation will be able to determine by the conduct and votes of gentlemen, on the ulterior measures that may come before you, whether the advocates for so large a regular force as that contained in the bill, or those who support the present motion, being disposed to provide such forces and of such descriptions only as in their opinion, as well as that of the Government, would be sufficient to meet the present emergency, and could be most usefully employed, are most in earnest on this subject, and will ultimately prove most firm and decided in supporting the rights and honor of their country.

Among the strange doctrines lately advanced, one is introduced on this occasion by the honorable gentleman, that will not a little surprise the people of America, and that is, that the accumulation of public debt is of no great importance to the nation. The gentleman asked if any one felt any benefit from the payment of fifty millions of the public debt? And observed, to use his own words, "the increase of the public debt is no great bugbear," &c. The advantages arising from extinguishing the public debt, said Mr. C., cannot well be mistaken, and must be felt by every member of society capable of feeling the pressure of public taxes. By the extinguishment of fifty millions of your public debt, which has been effected by the operations of your Treasury Department, the nation is relieved from the payment of at least three millions of interest annually—a sum more than the proceeds of all the internal taxes—the repeal of which has been so much regretted by the honorable gentleman. Your finances are therefore rendered as productive by the extinction of that amount of debt, without those internal taxes, as they would be with them had such debt continued unpaid; and this sum of

three millions, annually, remains now at the disposal of the Government, may be applied to the support of the war, in case of such event, and will therefore certainly diminish, by that amount, the revenue to be annually raised from the people; would they not therefore be sensible of this, and consider it a benefit? But it seems the increase of the public debt is not matter of much importance to the nation! If it is not, said Mr. C., what is important to the nation? Are the people to be told, that to augment the public debt, which they and their successors are solemnly pledged to reimburse, which is an encumbrance to its full extent on their estates and possessions of every kind, is in itself of so little consequence as not to be considered of much importance to the nation? Upon the same principle the gentleman might say, that to impose new taxes on the people, to increase their burdens from time to time, until they groaned under the pressure, would not be matter of such importance to the nation. Is the old maxim, formerly ascribed to the opposition, "that a public debt is a public blessing," and once so much and so justly reprobated, now again brought forward and supported by professed Republicans? This has always been considered the rankest doctrine of high-toned leaders in Federal times, and cannot fail to awaken the public mind to investigate the views of those who advocate it.

On motion, by Mr. LEIR, it was agreed that the question for striking out be taken by yeas and nays; and, on motion by Mr. CAMPBELL, of Tennessee, the Senate adjourned.

THURSDAY, December 19.

The PRESIDENT communicated a resolution of the Legislature of the State of Vermont, confirming, on the part of the State, the resolution for an amendment to the Constitution respecting titles of nobility; which was read.

A message from the House of Representatives informed the Senate that the House recede from their disagreement to the amendments of the Senate to the bill, entitled "An act for the apportionment of Representatives among the several States, according to the third enumeration."

The Senate resumed the consideration of the bill to raise, for a limited time, an additional military force; and the motion made the 17th inst., to strike out the word "ten," section one, line three, was determined in the negative—yeas 12, nays 21, as follows:

YEAS—Messrs. Anderson, Bradley, Brent, Campbell of Ohio, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Lambert, Smith of New York, and Worthington.

NAYS—Messrs. Bayard, Bibb, Dana, Gaillard, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Leib, Lloyd, Pope, Reed, Robinson, Tait, Taylor, Turner, and Varnum.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill appropriating a sum of money

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for procuring munitions of war; and, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill for the establishment of a quartermaster's department; and, on the question, Shall this bill be engrossed and read the third time? it was determined in the affirmative.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I lay before Congress two letters received from Governor Harrison, of the Indiana Territory, reporting the particulars and the issue of the expedition under his command, of which notice was taken in my communication of November 5th.

While it is deeply lamented that so many valuable lives have been lost in the action which took place on the 7th ultimo, Congress will see, with satisfaction, the dauntless spirit and fortitude victoriously displayed by every description of the troops engaged, as well as the collected firmness which distinguished their commander, on an occasion requiring the utmost exertions of valor and discipline.

It may reasonably be expected that the good effects of this critical defeat and dispersion of a combination of savages, which appears to have been spreading to a greater extent, will be experienced not only in a cessation of the murders and depredations committed on our frontier, but in the prevention of any hostile incursions otherwise to have been apprehended.

The families of those brave and patriotic citizens who have fallen in this severe conflict, will, doubtless, engage the favorable attention of Congress.

JAMES MADISON.

WASHINGTON, Dec. 18, 1811.

The Message and letters referred to were read, and ordered to lie on the table.

FRIDAY, December 20.

Mr. GILMAN, from the committee, reported the bill to raise, for a limited time, an additional military force, correctly engrossed; and the bill was read the third time, and the blanks filled. On the question, Shall this bill pass? it was determined in the affirmative—yeas 26, nays 4, as follows:

YEAS—Messrs. Anderson, Bibb, Bradley, Campbell of Ohio, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, German, Gilman, Gregg, Horsey, Howell, Leib, Lloyd, Pope, Reel, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Dana, Goodrich, Hunter, and Lambert.

On motion, by Mr. CRAWFORD, it was agreed to amend the title of the bill, by striking out the words "for a limited time."

So it was *Resolved*, That this bill pass, and that the title thereof be "An act to raise an additional military force."

Mr. GILMAN, from the committee, reported the bill appropriating a sum of money for procuring munitions of war, correctly engrossed; and the bill was read the third time.

On motion, by Mr. CRAWFORD, it was agreed to

postpone the further consideration thereof until Monday next.

Mr. GILMAN, from the committee, also reported the bill for the establishment of a quartermaster's department, correctly engrossed; and the bill was read the third time.

On motion, it was agreed to postpone the further consideration of this bill until Monday next.

The Senate resumed, as in Committee of the Whole, the bill authorizing the President of the United States to raise certain companies of spies or rangers, for the protection of the frontier of the United States; and the bill was amended; and the President reported it to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill extending the time of certain patents granted to Robert Fulton; and, on motion, by Mr. GERMAN, it was agreed to postpone the further consideration thereof until Monday next.

Mr. WORTHINGTON presented the petition of Submit R. Strong, widow of Major Elijah Strong, late of the Army of the United States, on behalf of herself and three infant children; stating that her husband, while in the service of the United States, died of a malignant fever, leaving her and his children in very indigent circumstances; and praying that the half-pay, or pension, that would have been allowed the representatives of the deceased, had he died by a wound or wounds, received in actual service, may be extended to her, for reasons stated at large in the petition; which was read, and ordered to lie on the table.

Mr. W., also, presented the petition of Amos Spafford, stating that he hath improved a certain portion of the public land near the foot of the rapids, on the south side of the Miami, and praying that a law may be passed permitting him to locate a quarter section of land, covering his improvements, at the price of other public lands, when exposed to sale; for reasons stated at large in the petition.

Mr. W., also, presented the petition of Lewis Bond and others, residing on the Miami river, praying that they may be confirmed in their possessions of certain lands therein mentioned, for reasons stated at large in the petition; and the petitions were severally read.

Ordered, That they be severally referred to the committee appointed the 14th of November, to inquire if any, and, if any, what, further provisions or alterations are necessary for the distribution of the public lands of the United States, to consider and report thereon by bill or otherwise.

MONDAY, December 23.

Mr. CONDIT presented the petition of Abram Ogden, of Elizabethtown, in the State of New Jersey, stating that he hath constructed a boat, to be propelled by steam, at a considerable expense, and praying that the bill pending in the Senate on this subject may not pass, for reasons stated at

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large in the petition; which was read, and ordered to be printed for the use of the Senate.

The PRESIDENT communicated the report of the Secretary for the Department of State on the petition of Thomas Brown, referred to his consideration the 2d instant; which was read.

The Senate resumed, as in Committee of the Whole, the bill extending the time of certain patents granted to Robert Fulton; and, on motion, by Mr. CRAWFORD, it was agreed that the further consideration thereof be postponed until to-morrow.

TUESDAY, December 24.

Mr. GERMAN presented the memorial of Gouverneur Morris, and others, commissioners, appointed by an act of the Legislature of the State of New York, for the consideration of all matters relating to the opening a canal navigation between the great Lakes and Hudson's river, praying the co-operation and aid of Congress in the contemplated work, for reasons stated at large in the memorial; which was read, and referred to the committee to whom was referred, on the 6th inst., the memorial of the President and Managers of the Union Canal Company of Pennsylvania, with the addition of two members, to consider and report thereon by bill or otherwise; and Messrs. CRAWFORD and GERMAN were added to the committee.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

I communicate to Congress copies of an act of the Legislature of New York, relating to a canal from the great Lakes to Hudson's river. In making the communication, I consult the respect due to that State, in whose behalf the commissioners appointed by the act have placed it in my hands for the purpose.

The utility of canal navigation is universally admitted. It is not less certain, that scarcely any country offers more extensive opportunities for that branch of improvements than the United States; and none, perhaps, inducements equally persuasive to make the most of them. The particular undertaking contemplated by the State of New York, which marks an honorable spirit of enterprise and comprises objects of national as well as more limited importance, will recall the attention of Congress to the signal advantages to be derived to the United States from a general system of internal communication and conveyance; and suggest to their consideration whatever steps may be proper, on their part, towards its introduction and accomplishment. As some of those advantages have an intimate connexion with arrangements and exertions for the general security, it is at a period calling for these that the merits of such a system will be seen in the strongest lights.

JAMES MADISON.

WASHINGTON, December 23, 1811.

The Message and documents therein referred to were read; and referred to the committee last mentioned, to consider and report thereon.

Mr. GILMAN, from the committee, reported the bill authorizing the President of the United States

to raise certain companies of rangers for the protection of the frontier of the United States, correctly engrossed; and the bill was read the third time, and the blanks were filled. On motion by Mr. WORTHINGTON, it was agreed, by unanimous consent, to amend the bill, by inserting, in section one, line eight, of the printed bill, after the word "necessary," the following words: "not exceeding six;" and,

Resolved, That this bill pass, and that the title thereof be "An act authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States."

Mr. GILMAN, from the committee to whom was referred the bill, entitled "An act for the relief of John Burnham," reported it without amendment.

The Senate resumed the third reading of the bill for the establishment of a quartermaster's department; and the blanks were filled; and, on motion by Mr. BRENT, it was agreed that the further consideration of the bill be postponed until Thursday next.

Mr. CAMPBELL, of Tennessee, presented the resolutions of the Legislature of the State of Tennessee, disapproving of, and dissenting from, the amendment to the Constitution of the United States, proposed by the Legislature of the State of Massachusetts, June 19, 1809, respecting embargoes and commercial restrictions: also, from the amendment to the Constitution of the United States, proposed by the Legislature of the State of Virginia, on the 13th January, 1808, respecting the removal from office of the Senators in Congress of the United States, by a vote of the respective State Legislatures: also, from the amendment to the Constitution of the United States, as proposed by the Legislature of the State of Pennsylvania, April 3d, 1809, "that an impartial tribunal may be established, to determine disputes between the General and State governments;" and approving of, and agreeing to, the amendment to the Constitution of the United States, proposed by Congress, respecting titles of nobility. And the resolutions were read.

FRIDAY, December 27.

The PRESIDENT communicated the memorial of certain citizens and inhabitants of the Territory of Michigan, stating their very exposed situation in the vicinity of the Indians, and requesting the interposition of Government for their protection; and the memorial was read.

The PRESIDENT also communicated the memorial of the Legislature of the Indiana Territory, praying grants of land, respectively, to the legal representatives of such officers and soldiers as fell in the late action under Governor Harrison's command, some of whom had heretofore made locations of land, partial payments, and improvements thereon; also, to each of the surviving officers and soldiers of said corps such donation in land as Congress may deem expedient; and the memorial was read.

Mr. GERMAN presented the memorial of Isaiah

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Townsend, and others, stating that, in the year 1811, the memorialists, at great expense, built two boats, under conviction that they had a right thereto by the existing laws of the United States, for the purpose of plying between New York and Albany, and which they have done successfully; and praying a bill on the subject of steamboats, now before the Senate, may not pass, for reasons stated at large in the memorial; which was read, and ordered to be printed for the use of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

I lay before Congress copies of resolutions entered into by the Legislature of Pennsylvania, which have been transmitted to me, with that view, by the Governor of that State, in pursuance of one of the said resolutions.

JAMES MADISON.

WASHINGTON, December 27, 1811.

The Message and resolutions therein referred to were read, and ordered to lie on the table.

Mr. LEIB presented the memorial of Oliver Evans, stating that the memorialist verily believes himself to be the original proposer of steamboats and steam-wagons in the United States, (Doctor Franklin only excepted); and that he conceives his patent, dated February 14, 1804, secured to him the right to use his engine for boats, mills, and land carriages, and praying to be left in full possession of those rights, for reasons stated at large in the memorial; which was read, and ordered to lie on the table.

On motion, by Mr. LLOYD, it was agreed that the further consideration of the bill for the establishment of a quartermaster's department be postponed until Tuesday next.

MONDAY, December 30.

Mr. HOWELL presented the petition of Nathaniel Smith, naval officer for the district of Providence, praying additional compensation for his services, for reasons stated at large therein; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. HOWELL, GREGG, and BRADLEY, were appointed the committee.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to continue in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers,'" also a bill, entitled "An act directing the terms on which the lands sold at public sale, and that revert for failure in payment, shall again be sold;" in which bills they desire the concurrence of the Senate.

The bills last mentioned were read, and passed to the second reading.

Mr. BAYARD presented the petition of the President and Trustees of the Philadelphia and Wilmington Steamboat Company, stating that they

are desirous of establishing a daily packet, to be propelled by steam, to ply between Philadelphia, Brandywine, and Christiana creek: that they have it in their power to obtain an engineer, who is an alien, to conduct and superintend the work, upon being admitted to receive a share of the net profits; that a boat of the size and form contemplated would be subject to the same rules and regulations as if employed in the foreign or coasting trade, which exclude an alien, who is the constructor or projector, from a share of the boat or profits, and that they will be deprived of the aid of this artist without the interposition of Congress; and praying relief; and the petition was read, and referred to a select committee, to consider and report thereon, by bill or otherwise; and Messrs. BAYARD, CONDIT, and HOWELL, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the bill extending the time of certain patents granted to Robert Fulton; and the bill was amended, and the President reported it to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

Mr. CAMPBELL, of Ohio, from the committee to whom was referred the bill, entitled "An act to authorize the laying out and opening a public road from the line established by the treaty of Greenville to the North Bend, in the State of Ohio," reported it without amendment.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of John Burnham;" and, on the question, Shall this bill be read a third time? it was determined in the negative.

Mr. BRADLEY submitted the following motion for consideration:

Resolved, That the members of this House will wear crape on the left arm for one month, in testimony of the national respect and sorrow for the unfortunate persons who perished in the city of Richmond, in Virginia, on the night of the 26th of the present month.

The PRESIDENT communicated the resolution of the Legislative Council and House of Representatives of the Mississippi Territory, approving the course pursued by the General Government towards the belligerent Powers of Europe, and pledging themselves to "support the Administration thereof in its efforts to obtain justice from offending nations." The resolution was read, and is as follows:

Resolved by the Legislative Council and House of Representatives of the Mississippi Territory, in General Assembly convened, That the embarrassments and difficulties under which the United States have for many years labored have been caused by the injustice of foreign nations and of domestic faction. That the late and present Administrations of the General Government have, in our opinion, pursued a wise, impartial, and just course towards the belligerent Powers of Europe, and such as ought to conciliate and unite the affections of every American citizen. That the correspondence just published between the American Secretary of State and Mr. Foster, the British Envoy, af-

fords additional and conclusive evidence of the determination of Great Britain to continue to violate her most sacred pledges, to trifle with the American nation, and to persevere in a course of unjust and hostile measures towards the commerce, the Government, and the honor of the United States. That the late Message of the President of the United States to both Houses of Congress breathes the true spirit and feelings of the American people. That we will support the Administration of the General Government, in its efforts to obtain justice from offending nations, with our lives and fortunes, and for which we pledge our sacred honors.

Resolved, That the President of the Council and Speaker of the House of Representatives be requested to cause four copies of these resolutions to be made out, one of which shall be transmitted to the President of the United States, one to the President of the Senate, one to the Speaker of the House of Representatives of the United States, and one to our delegate in Congress.

COWLES MEAD,

Speaker of the House of Reps.

A. MONTGOMERY,

President Legislative Council.

TUESDAY, December 31.

On motion of Mr. LEIB, one of the majority, it was agreed to reconsider the bill, entitled "An act for the relief of John Burnham;" and, on motion, by Mr. GREGG, the further consideration thereof was postponed to Thursday next.

Mr. BRADLEY called up the motion made yesterday on the subject; and, on his motion, it was amended and agreed to as follows:

Resolved, That the members of this House will wear crape on the left arm for one month, in testimony of the condolence and sorrow of the Senate for the calamitous event by which the Chief Magistrate of the State of Virginia, and so many of her citizens, perished by fire, in the city of Richmond, on the night of the 26th of the present month.

The PRESIDENT communicated the memorial of the House of Representatives of the Indiana Territory, approving the conduct and praying the reappointment of Governor Harrison. And the memorial was read.

The PRESIDENT also communicated their memorial, praying Congress to admit the Territory, as a free and independent State, into the Union; also, their memorial, praying the office of sheriff may be elective, for reasons therein stated at large; and the memorials were read, and severally referred to a select committee, to consist of five members, to consider and report thereon by bill or otherwise; and Messrs. WORTHINGTON, GREGG, LEIB, FRANKLIN, and CAMPBELL, of Tennessee, were appointed the committee.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the revision of former confirmations, and for confirming certain claims to land in the district of Kaskaskia; also, a bill, entitled "An act providing for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States;" in which bills they desire the concurrence of the Senate.

The bills last brought up for concurrence were read, and passed to the second reading.

Mr. FRANKLIN presented the resolutions of the General Assembly of the State of North Carolina, approving the sentiments contained in the Message of the President of the United States to Congress at the opening of the present session, and resolving, unanimously, that they will cheerfully co-operate with the General Government in the prompt and effectual execution of such measures as may be deemed best calculated to promote the interest and secure the union, liberty, and independence of the United States; and the resolutions were read.

Mr. GILMAN, from the committee, reported the bill extending the time of certain patents granted to Robert Fulton correctly engrossed; and the bill was read the third time.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 21, nays 4, as follows:

YEAS—Messrs. Anderson, Bibb, Bradley, Brent, Campbell of Tennessee, Condit, Cutts, Gaillard, Gilman, Gregg, Howell, Hunter, Lambert, Leib, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Varnum, and Worthington.

NAYS—Messrs. Dana, Franklin, German, and Lloyd.

The bill, entitled "An act to continue in force for a further time the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers,'" was read the second time, and referred to a select committee to consider and report thereon; and Messrs. BRADLEY, LLOYD, and DANA, were appointed the committee.

The bill, entitled "An act directing the terms on which lands sold at public sale, and that revert for failure of payment, shall again be sold," was read the second time, and referred to the committee appointed the 14th November, to inquire if any, and, if any, what, further provisions or alterations are necessary for the disposition of the public lands of the United States, to consider and report thereon.

The Senate resumed the bill for the establishment of a quartermaster's department, and

Resolved, That this bill pass, and that the title thereof be "An act for the establishment of a quartermaster's department."

The Senate resumed the bill, entitled "An act to authorize the laying out and opening a public road from the line established by the Treaty of Greenville to the North Bend, in the State of Ohio;" and the bill was ordered to the third reading.

THURSDAY, January 2, 1812.

The PRESIDENT communicated the report of the Secretary of the Navy on the expenditures and application of moneys drawn from the Treasury, from the 1st of October, 1810, to the 30th September, 1811, inclusive; made in obedience to the first section of the act, passed 3d March, 1809, entitled "An act further to amend the several acts for the establishment and regulation of the

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Treasury, War, and Navy Departments." And the report was read.

The bill, entitled "An act for the revision of former confirmations, and for confirming certain claims to lands in the district of Kaskaskia," was read the second time, and referred to the committee appointed on the 14th November, to inquire if any, and, if any, what, further provisions or alterations are necessary for the disposition of the public lands of the United States, to consider and report thereon.

The bill, entitled "An act providing for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," was read the second time.

On motion, by Mr. GREGG, it was agreed that the further consideration of the bill appropriating a sum of money for procuring munitions of war be postponed until Monday next.

The bill, entitled "An act to authorize the laying out and opening a public road from the line established by the Treaty of Greenville to the North Bend, in the State of Ohio," was read the third time, and passed.

FRIDAY, January 3.

The PRESIDENT communicated the report of the Secretary for the Department of War, made in obedience to the first section of the act, entitled "An act further to amend the several acts for the establishment of the Treasury, War, and Navy Departments," passed the third day of March, 1809; and the report was read.

The bill, entitled "An act providing for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," was referred to a select committee, to consider and report thereon; and Messrs. BRADLEY, GOODRICH, and HUNTER, were appointed the committee.

MONDAY, January 6.

The PRESIDENT communicated the report of the Secretary for the Department of War on the expenditure of the moneys appropriated for the contingent expenses of the Military Establishment for the year 1811, exhibited in pursuance of the fifth section of the act of the 3d of March, 1809, entitled "An act to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments;" and the report was read.

The PRESIDENT also communicated the report of the Secretary for the Department of the Treasury, made in conformity with the sixth section of the act passed on the 1st of May, 1810, entitled "An act fixing the compensation of public Ministers and Consuls residing on the coast of Barbary, and for other purposes;" and the report was read.

Mr. SMITH, of New York, presented the petition of William Sullivan and others, inhabitants of the Territory of Louisiana, praying the passage of a law which will admit them into what

is denominated the second grade of Territorial government, for reasons stated at large in the petition; which was read.

Mr. WORTHINGTON communicated a resolution of the Legislature of the State of Ohio, requesting their Senators and Representatives in Congress to use their exertions in favor of a law providing for running and designating the northern and western boundary lines of that State; also, their resolution approving the vigilance and promptitude of their Representatives in Congress in their seasonable application to the United States for a supply of arms for the use of the militia of that State; and, if the object is not yet obtained, requesting them to continue their exertions to procure the same; and the resolutions were read.

Mr. LLOYD presented the petition of Henry Hubbard, of the city of New York, merchant, stating that he has a very large sum of money due to him from a planter in the British colony of Demarara, arising from debts contracted prior to the year 1807. That in the year 1810, for the purpose of securing the amount of his claims, he went to Demarara; and, in order to attain that object, agreed to receive payment by shipments to this country of the produce of that colony. That, by the present laws of the United States, prohibiting importations from British colonies, he is prevented from receiving payment as specified above, and praying relief; and the petition was read, and referred to the committee to whom was referred, on the 12th of November, the petition of J. and E. Phillips and others, to consider and report thereon by bill or otherwise.

Mr. BIBB presented the petition of Thomas Streshly and William Streshly, formerly collectors of the excise in the State of Kentucky, praying Commissioners may be appointed to settle their accounts with the United States, on equitable principles, or that they may be allowed certain credits exhibited by them, for reasons stated at large in the petition; which was read and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. BIBB, BAYARD, and HORSEY, were appointed the committee.

TUESDAY, January 7.

Mr. SMITH, of Maryland, from the committee to whom was referred so much of the Message of the President of the United States as relates to the evasions and infractions of the commercial laws thereof, reported, in part, a bill in addition to the act, entitled "An act supplementary to the act, entitled 'An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes,'" and the bill was read, and passed to the second reading.

Mr. VARNUM presented the petition of John Cutts and others, inhabitants of the towns of Kittery, Elliot, and Berwick, in the State of Massachusetts, praying the bill to annex the towns of Kittery, Elliot, and Berwick, to the district of

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Portsmouth, pending before the Senate, may not pass, for reasons stated at large in the petition; which was read, and referred to the committee appointed the 9th of December last, to consider the bill mentioned in the petition, and report thereon.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act to raise an additional military force," with amendments, in which they desire the concurrence of the Senate.

The amendments of the House of Representatives to the bill, entitled "An act to raise an additional military force," were read, and ordered to be printed for the use of the Senate and be made the order of the day for to-morrow.

The Senate resumed the bill, entitled "An act for the relief of John Burnham;" and resolved that the bill pass.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

I lay before Congress, for their information, a report of the Director of the Mint.

JAMES MADISON.

JANUARY 7, 1812.

And the Message and report were read.

Mr. SMITH, of Maryland, from the committee to whom was referred so much of the Message of the President of the United States as relates to the evasions and infractions of the commercial laws thereof, reported, in part, a bill supplementary to the act, entitled "An act to regulate the collection of duties on imports and tonnage;" and the bill was read, and passed to a second reading.

WEDNESDAY, January 8.

The bill in addition to the act, entitled "An act supplementary to the act, entitled 'An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes,'" was read the second time.

The bill supplementary to the act, entitled "An act to regulate the collection of duties on imports and tonnage," was read the second time.

Mr. WORTHINGTON, from the committee to whom was referred the bill, entitled "An act directing the terms on which lands sold at public sale, and that revert for failure in payment, shall again be sold," reported it without amendment.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the purchase of ordnance and ordnance stores, camp equipage, and other quartermaster's stores and small arms;" also, a bill, entitled "An act to empower the Secretary of the Treasury to decide on the case of the ship *Eliza Ann*, belonging to Ezekiel Hubbel;" in which bills they desire the concurrence of the Senate. The bills last mentioned were read, and passed to the second reading.

The Senate proceeded to consider the amendments of the House of Representatives to the

bill, entitled "An act to raise an additional military force;" and, on the question to agree to the amendment to the first section, in the following words:

"*Provided, however*, That commissioned officers for six only of the said regiments shall be appointed, until three-fourths of the privates requisite to complete such six regiments have been enlisted, when the commissioned officers for the remaining seven regiments shall be appointed."

It was determined in the negative—yeas 3, nays 24, as follows:

YEAS—Messrs. Bradley, Lambert, and Smith, of New York.

NAYS—Messrs. Anderson, Bayard, Bibb, Campbell of Tennessee, Cutts, Dana, Franklin, Gaillard, German, Giles, Gilman, Goodrich, Horsey, Howell, Hunter, Leib, Lloyd, Pope, Robinson, Smith of Maryland, Tait, Taylor, Varnum, and Worthington.

On the question to agree to the amendment, by adding the twenty-fifth section, in the following words:

"*SEC. 25. And be it further enacted*, That the officers who may be appointed in virtue of this act shall respectively continue in commission during such term only as the President shall judge requisite for the public service; and that it shall be lawful for the President to discharge the whole or any part of the troops which may be raised under the authority of this act, whenever he shall judge the measure consistent with the public welfare."

It was determined in the negative—yeas 1, nays 25, as follows:

YEA—Mr. Lambert.

NAYS—Messrs. Anderson, Bayard, Bibb, Bradley, Cutts, Dana, Franklin, Gaillard, German, Giles, Gilman, Goodrich, Horsey, Howell, Hunter, Leib, Lloyd, Pope, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Varnum, and Worthington.

Whereupon, *Resolved*, That the Senate agree to all the amendments to the said bill except to the proviso in the first section, and to the three additional sections; to which they disagree.

The PRESIDENT communicated the report of the Secretary for the Department of the Navy, in compliance with the fifth section of the "Act to regulate and fix the compensation of clerks, passed the 21st of April, 1806;" also, his report, comprehending contracts made by the Navy Department during the year 1811; prepared in obedience to the act, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments." And the reports were read.

THURSDAY, January 9.

The bill, entitled "An act authorizing the purchase of ordnance and ordnance stores, camp equipage, and other quartermaster's stores and small arms," was read the second time, and referred to the committee to whom was referred, the 8th of November, so much of the Message of the President of the United States as concerns the relations between the United States and France and Great Britain, to consider and report thereon.

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The bill, entitled "An act to empower the Secretary of the Treasury to decide on the case of the ship *Eliza Ann*, belonging to *Ezekiel Hubbel*," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. *Goodrich*, *Lloyd*, and *Anderson*, were appointed the committee.

Mr. *Smith*, of Maryland, from the committee to whom was referred so much of the Message of the President of the United States as relates to the evasions and infractions of the commercial laws thereof, reported, in part, a bill to prohibit the importation of rum, taffia, or other spirituous liquor, distilled from sugar cane, sugar, or molasses, during the continuance of the act, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes." And the bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act directing the terms on which lands sold at public sale, and that revert for failure in payment, shall again be sold."

Ordered, That it pass to the third reading.

The Senate resumed, as in Committee of the Whole, the bill in addition to the act, entitled "An act supplementary to the act, entitled 'An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes;'" and, on motion by Mr. *Smith*, of Maryland, it was agreed that it be made the order of the day for Monday next.

The Senate resumed, as in Committee of the Whole, the bill to regulate the collection of duties on imports and tonnage; and the bill was amended; and, on motion, by Mr. *Bradley*, it was agreed that the further consideration thereof be the order of the day for Monday next.

FRIDAY, January 10.

A message from the House of Representatives informed the Senate that the House recede from all their amendments, disagreed to by the Senate, to the bill, entitled "An act to raise an additional military force," except the second of the new sections proposed, on which they insist.

The Senate proceeded to consider the amendment to the said bill, insisted on by the House of Representatives; and, on motion, by Mr. *Pope*, the Senate receded from their disagreement to the said amendment, and agreed thereto.

The President communicated a report of the Secretary for the Department of Navy, on the subject of the Navy Pension Fund; and the report was read.

The bill to prohibit the importation of rum, taffia, or other spirituous liquor, distilled from sugar-cane, sugar, or molasses, during the continuance of the act, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," was read the second time.

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The bill, entitled "An act directing the terms on which lands sold at public sale, and that revert for failure in payment, shall again be sold," was read the third time, and passed.

On motion, by Mr. *Franklin*,

Ordered, That the bill for appropriating a sum of money for procuring munitions of war, be re-committed to the committee who brought in the bill, and who have under consideration the bill from the House of Representatives on the same subject, further to consider and report thereon.

MONDAY, January 13.

Mr. *Giles*, from the committee to whom was referred the bill, entitled "An act authorizing the purchase of ordnance and ordnance stores, camp equipage, and other quartermaster's stores and small arms," reported it without amendment.

Mr. *Leib* presented the memorial of John Bieren and others, on printing the laws of the United States, upon conditions therein stated; and the memorial was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. *Leib*, *Goodrich*, and *Horsely* were appointed the committee.

The Senate resumed, as in Committee of the Whole, the bill in addition to the act, entitled "An act supplementary to the act, entitled 'An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes;'" and Mr. *Smith*, of Maryland, proposed an amendment to the bill; which was read; and, on motion, by Mr. *Lloyd*, it was agreed that the further consideration of the bill, together with the amendment, be postponed to, and be made the order of the day for, Wednesday next.

The Senate resumed, as in Committee of the Whole, the bill to regulate the collection of duties on imports and tonnage; and Mr. *Lloyd*, proposed an amendment to the bill; and, on motion, by Mr. *Binn*, it was agreed that the further consideration of the bill, together with the amendment, be postponed to, and be the order of the day for, Wednesday next.

The Senate resumed, as in Committee of the Whole, the bill to prohibit the importation of rum, taffia, or other spirituous liquor distilled from sugar-cane, sugar, or molasses, during the continuance of the act, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes;" and, on motion, by Mr. *Lloyd*, the Secretary of the Treasury was directed to lay before the Senate a statement of the quantity of rum imported into the United States during the year ending September 30th, 1811; where imported and from whence; and it was agreed to postpone the consideration of the bill until Wednesday next.

On motion, by Mr. *Giles*, the bill, entitled "An act authorizing the purchase of ordnance and ordnance stores, camp equipage, and other quartermaster's stores and small arms," was read the

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third time by unanimous consent. On the question, Shall this bill pass? it was determined in the affirmative—yeas 22, as follows:

Messrs. Bibb, Campbell of Tennessee, Condit, Dana, Franklin, Gaillard, German, Giles, Gilman, Goodrich, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Pope, Reed, Smith of Maryland, Tait, Varnum, and Worthington.

So it was unanimously resolved that this bill pass.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to alter the time of holding the district courts of the United States for the North Carolina district," in which bill they desire the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

TUESDAY, January 14.

The PRESIDENT communicated a report of the Secretary for the Department of the Treasury, exhibiting the sums respectively paid to each clerk in the several offices of that department for services rendered in the year 1811; made in obedience to the provisions of the act of April 21, 1806, to regulate and fix the compensation of clerks; and the report was read.

The bill, entitled "An act to alter the time of holding the district courts of the United States for the North Carolina district," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. FRANKLIN, HORSEY, and LLOYD, were appointed the committee.

WEDNESDAY, January 15.

The PRESIDENT communicated the report of the Postmaster General relative to public contracts; also, on the salaries allowed to the clerks of that department during the year 1811; and the reports were severally read.

The Senate resumed, as in Committee of the Whole, the bill to prohibit the importation of rum, taffia, or other spirituous liquor distilled from sugar-cane, sugar, or molasses, during the continuance of the act, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," together with the amendment proposed thereto; and, on motion, by Mr. LLOYD, it was agreed that the further consideration thereof be postponed until Tuesday next.

Mr. FRANKLIN, from the committee, to whom was referred the bill, entitled "An act to alter the time of holding the district courts of the United States for the North Carolina district," reported the bill without amendment, and it was ordered to the third reading.

THURSDAY, January 16.

The bill, entitled "An act to alter the time of holding the district courts of the United States

for the North Carolina district," was read the third time, and passed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I communicate to Congress a letter from the Envoy Extraordinary and Minister Plenipotentiary of Great Britain to the Secretary of State, with the answer of the latter.

The continued evidence afforded in this correspondence, of the hostile policy of the British Government against our national rights, strengthens the considerations recommending and urging the preparation of adequate means for maintaining them.

JAMES MADISON.

WASHINGTON, January 16, 1812.

The Message and documents enclosed were read, and referred to the committee to whom was referred, on the 8th of November last, so much of the Message of the President of the United States as concerns the relations between the United States and France and Great Britain, to consider and report thereon; and five hundred copies thereof ordered to be printed for the use of the Senate.

The following Message was also received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I transmit to Congress an account of the contingent expenses of the Government for the year 1811, incurred on the occasion of taking possession of the territory limited eastwardly by the river Perdido, and amounting to three thousand three hundred and ninety-six dollars.

JAMES MADISON.

WASHINGTON, January 15, 1812.

The Message and account therein referred to were read.

The following Message was also received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of State complying with their resolution of the 18th of November.

JAMES MADISON.

JANUARY 16, 1812.

DEPARTMENT OF STATE, Jan. 16, 1812.

The Secretary of State, to whom was referred the resolution of the Senate requesting information on certain points respecting the trade of the United States to France, has the honor to report to the President that he has examined the files of this Department, and found no precise information on the subject of the said resolution, which has not been heretofore communicated to Congress. That, in consequence thereof, he applied to the French Minister for the requisite information, who, not possessing it, referred the application to the Consul General of France, from whom, as yet, nothing has been received, as will more fully appear by the accompanying letters, marked A and B.

It may be proper to observe, that it is generally understood, as well from the letters of Mr. Russell, communicated to Congress at the commencement of the present session, as from other sources, that the trade of the United States to France is subjected to very

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severe restrictions; but the precise extent and nature of them is not distinctly known to this Department. The instructions of the Minister of the United States at Paris embracing this as well as other subjects, communications from that source may soon furnish more particular information. An expectation of the speedy arrival of despatches from France, together with a hope that the French Consul General would have been enabled to throw some light upon the inquiry, have caused the postponement of this report until the present time.

JAMES MONROE.

A.

DEPARTMENT OF STATE, Jan. 4, 1812.

SIR: When I did myself the honor to submit to you a copy of the resolution of the Senate of the United States, of the 18th of November last, asking information as to the commercial regulations of France, as they applied to the trade of this country, you told me that it was not then in your power to give precise information as to these regulations, but that you would obtain it for me from Mr. Lescallier, His Imperial Majesty's Consul General in Philadelphia. I have now the honor to inquire whether Mr. Lescallier has made a report to you on this subject; and if he has, to request that you will furnish me with the result, as soon as your convenience will permit. I have the honor, &c.

JAMES MONROE.

Mr. SERRURIER, &c.

B.

WASHINGTON, January 5, 1812.

SIR: The documents for which the Senate called upon you not being in my possession, in consequence of the desire you manifested to obtain them from me, I charged the Consul General to procure them for me. I have not yet received his answer. It would not be extraordinary if Mr. Lescallier should not have the tariff, inasmuch as it is of little use to the French in this country. But I wrote to Paris at the time of our first conversation on this subject.

I will immediately renew my application to the Consul General, and from whatever source I may derive the information required, I will hasten to transmit it to you.

I beg you, sir, to receive the assurance of my high consideration.

The Minister of France: SERRURIER.
Mr. MONROE, &c.

The Message and report were read.

FRIDAY, January 17.

Mr. BRADLEY, from the committee appointed on the petition of Moses Austin and John R. Jones, reported a bill to incorporate Moses Austin, John Rice Jones, Henry Austin, and others, into a company, by the name of the Louisiana Lead Company; and the bill was read, and passed to the second reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps;" in which they request the concurrence of the Senate. They have passed the bill sent from the Senate, entitled "An act for the establishment of a quarter-

master's department," with amendments; in which they request the concurrence of the Senate.

The amendments to the bill last mentioned were read; and ordered to be printed for the use of the Senate.

The bill last brought up for concurrence was read, and passed to the second reading.

On motion, the bill was read the second time, by unanimous consent, and referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. FRANKLIN, VARNUM, ANDERSON, BRADLEY, and SMITH of Maryland, were appointed the committee.

Mr. GOODRICH, from the committee to whom was referred the bill, entitled "An act to empower the Secretary of the Treasury to decide on the case of the ship Eliza Ann, belonging to Ezekiel Hubbel," reported it with amendments; which were read.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I lay before Congress a letter from the Envoy Extraordinary and Minister Plenipotentiary of Great Britain to the Secretary of State, with the answer of the latter.

JAMES MADISON.

WASHINGTON, January 17, 1812.

The Message and documents enclosed were read.

MONDAY, January 20.

The bill to incorporate Moses Austin, John Rice Jones, Henry Austin, and others, in a company, was read the second time, and the further consideration thereof made the order of the day for Monday next.

The Senate resumed the consideration of the amendments by the House of Representatives to the bill, entitled "An act for the establishment of a quartermaster's department;" and the further consideration thereof was postponed to, and made the order of the day for, Wednesday next.

TUESDAY, January 21.

The PRESIDENT communicated the report of the Secretary for the Department of the Treasury, agreeably to the resolution of the Senate of the 13th instant, "requiring a statement of the quantity of rum imported into the United States during the year ending September 30, 1810;" and the report was read.

The PRESIDENT also communicated the report of the Secretary for the Department of War, in compliance with the fifth section of the act to regulate and fix the compensation of clerks, passed the 21st of April, 1806, exhibiting the names of the clerks employed in the Department in the year 1811, with the sums allowed to each; and the report was read.

The Senate resumed, as in Committee of the Whole, the bill to regulate the collection of duties on imports and tonnage, together with the amendments proposed thereto; and, on the ques-

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tion to agree to the amendment to be inserted at the end of the fourteenth line, in the following words: "unless the claimant or claimants shall solemnly swear, or affirm, before the collector of the port where the property may be, that the invoice or invoices have neither been received by him or them, nor by any other person for his or their use or behalf:" it was determined in the affirmative—yeas 21, nays 1, as follows:

YEAS—Messrs. Bibb, Bradley, Cutts, Franklin, Gailard, German, Gilman, Goodrich, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Reed, Smith of Maryland, Smith of New York, Tait, Taylor, Varnum, and Worthington.

NAY—Mr. Campbell, of Tennessee.

And the bill having been further amended, the PRESIDENT reported it to the House accordingly. On the question, Shall this bill be engrossed, and read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to empower the Secretary of the Treasury to decide on the case of the ship *Eliza Ann*, belonging to *Ezekiel Hubbel*," together with the amendments reported thereto by the select committee; and having agreed to the amendments, the PRESIDENT reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

On motion, by Mr. SMITH, of Maryland, it was agreed that the bill to prohibit the importation of rum, taffia, or other spirituous liquor distilled from the sugar cane, sugar, or molasses, during the continuance of the act, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," be made the order of the day for to-morrow.

Mr. BRADLEY, from the committee to whom was referred the petition of *Charlotte Hazen*, reported a bill supplementary to the act, entitled "An act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia;" which was passed to the second reading.

Mr. REED submitted the following motion for consideration:

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement, so far as the same may be practicable, exhibiting the number of ships and vessels, and the amount of tonnage, and the several kinds of merchandise, being of the growth, produce, or manufacture of the United States or Territories thereof, exported from thence to any port or place in France subsequent to the repeal of the Berlin and Milan decrees; stating distinctly the duties payable in the ports of France on each article, before and since the repeal of said decrees.

WEDNESDAY, January 22.

The bill supplementary to the act, entitled "An act regulating the grants of land appropriated for the refugees from the British provinces

of Canada and Nova Scotia," was read the second time.

Mr. GILMAN, from the committee, reported the amendments to the bill, entitled "An act to empower the Secretary of the Treasury to decide on the case of the ship *Eliza Ann*, belonging to *Ezekiel Hubbel*," correctly engrossed; and the bill was read the third time as amended.

Resolved, That this bill pass with amendments, and that the title thereof be "An act to empower the Secretary of the Treasury to decide on the case of the ship *Eliza Ann*, belonging to *Ezekiel Hubbel*, and the case of the ship *Mary and Frances*, belonging to *Nathaniel Goddard*."

Mr. GILMAN, from the committee, reported the bill supplementary to the act, entitled "An act to regulate the collection of duties on imports and tonnage," correctly engrossed; and the bill was read the third time, and the further consideration thereof postponed until Monday next.

Mr. FRANKLIN communicated a letter from the Governor of the State of North Carolina, with an authenticated copy of an act of the General Assembly of that State, ratifying an amendment to the Constitution of the United States, proposed by Congress to the Legislatures of the several States, relative to titles of nobility; and the letter and act were read.

Mr. BAYARD, from the committee appointed to consider the subject, reported a bill to promote the progress of science and useful arts by securing, for a limited time, to inventors, the exclusive right to their respective discoveries; and the bill was read, and passed to the second reading.

The Senate resumed the motion made yesterday by Mr. REED; and the motion having been amended, the further consideration thereof was postponed to, and made the order of the day for, the second Monday in February next.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

At the request of the Legislature of New Jersey, I communicate to Congress copies of its resolutions transmitted by the Governor of that State.

JAMES MADISON.

JANUARY 22, 1812.

The Message and resolutions therein referred to were read.

THURSDAY, January 23.

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, entitled "An act for the establishment of a quartermaster's department;" and the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the bill in addition to the act, entitled "An act supplementary to the act, entitled 'An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other pur-

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poses," together with the amendment proposed; and, having agreed thereto, the PRESIDENT reported the bill to the House accordingly.

On the question, Shall this bill be engrossed, and read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill to prohibit the importation of rum, taffia, or other spirituous liquor distilled from sugar-cane, sugar, or molasses, during the continuance of the act, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes;" and the bill having been amended, the PRESIDENT reported it to the House accordingly.

On the question, Shall this bill be engrossed, and read a third time as amended? it was determined in the negative.

FRIDAY, January 24.

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, entitled "An act for the establishment of a quartermaster's department;" and the further consideration thereof was postponed to, and made the order of the day for, Monday next.

The bill to promote the progress of science and useful arts by securing, for a limited time, to inventors, the exclusive right to their respective discoveries, was read the second time, and made the order of the day for Monday next.

Mr. GILMAN, from the committee, reported the bill in addition to the act, entitled "An act supplementary to the act, entitled 'An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes,'" correctly engrossed. And, on motion by Mr. LLOYD, the further consideration thereof was postponed until Tuesday next.

Mr. LLOYD presented the memorial of Boardman and Pope, and others, citizens of the United States and residents of Boston, in the State of Massachusetts, representing that they are owners of the ship *American Hero* and her cargo consisting of the products of India, purchased at Madras and Calcutta, not being informed of the passing and enforcement of the non-importation act, by which their said ship, with her cargo, is now prohibited from entering the ports of the United States, and praying she may be permitted to return to Boston with her cargo, for reasons stated at large in the memorial; which was read, and referred to the committee appointed on the 26th of November, on the memorial of Howard, Fitch, and Lloyd, to consider and report thereon by bill or otherwise.

MONDAY, January 27.

Mr. BRADLEY, from the committee to whom was referred the bill, entitled "An act to continue in force for a further time the first section of the act, entitled 'An act further to protect the com-

merce and seamen of the United States against the Barbary Powers," reported it without amendment, and the bill was ordered to the third reading.

Mr. FRANKLIN, from the committee to whom was referred the bill, entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps," reported the bill with amendments; which were read, and the further consideration thereof made the order of the day for to-morrow.

Mr. BAYARD, from the committee to whom was referred the petition of the President and Trustees of the Philadelphia and Wilmington Steamboat Company, reported a bill respecting the enrolling and licensing of steamboats; and the bill was read, and passed to the second reading.

The Senate resumed the consideration of the bill supplementary to the act, entitled "An act to regulate the collection of duties on imports and tonnage."

On motion, by Mr. BAYARD, the bill was re-committed to a select committee, further to consider and report thereon; and Messrs. BAYARD, LLOYD, and TAYLOR, were appointed the committee.

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, entitled "An act for the establishment of a quartermaster's department."

On motion, by Mr. LEIB, the bill, together with the amendments, was re-committed to a select committee, to consider and report thereon; and Messrs. SMITH, of Maryland, GILES, and LEIB, were appointed the committee.

The PRESIDENT communicated a letter from the Secretary for the Department of Treasury, transmitting a statement of the moneys expended during the year 1811, for the discharge of miscellaneous claims not otherwise provided for, and a statement of the contracts made during that year, by or under the direction of the Secretary of the Treasury; and the letter and accompanying documents were read.

TUESDAY, January 28.

The bill respecting the enrolling and licensing of steamboats was read the second time.

The Senate resumed the consideration of the bill in addition to the act, entitled "An act supplementary to the act, entitled 'An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes,'" and the bill was read the third time.

On motion, by Mr. GILMAN, to postpone the further consideration of the bill to the first Monday in June next, it was determined in the negative—yeas 10, nays 19, as follows:

YEAS—Messrs. Bayard, Bradley, German, Gilman, Goodrich, Horsey, Hunter, Lloyd, Reed, and Tait.

NAYS—Messrs. Anderson, Bibb, Condit, Crawford, Franklin, Gaillard, Giles, Gregg, Howell, Lambert, Leib, Pope, Smith of Maryland, Smith of New York, Taylor, Turner, Varnum, and Worthington.

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Additional Military Force.

JANUARY, 1812.

On motion, by Mr. LLOYD, to postpone the further consideration of the bill to the first Monday in March next, it was determined in the affirmative—yeas 27, nays 2, as follows:

YEAS—Messrs. Anderson, Bayard, Bibb, Bradley, Condit, Crawford, Cutts, Franklin, Gaillard, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Pope, Reed, Smith of Maryland, Smith of New York, Tait, Taylor, and Turner.

NAYS—Messrs. Varnum and Worthington.

Mr. WORTHINGTON, from the committee appointed on the subject, reported a bill establishing a land office; and the bill was read, and passed to the second reading.

The bill, entitled "An act to continue in force for a further time the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers,'" was read the third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps," together with the amendments reported thereto by the select committee; and the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

On motion, by Mr. BRADLEY, the bill supplementary to the act, entitled "An act regulating the grants of land appropriated for the refugees from the British Provinces of Canada and Nova Scotia," was recommitted to a select committee, further to consider and report thereon; and Messrs. BRADLEY, FRANKLIN, and GREGG, were appointed the committee.

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WEDNESDAY, January 29.

The bill establishing a land office was read the second time.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act concerning the Naval Establishment," in which they request the concurrence of the Senate.

Mr. LEIB presented the memorial of Matthew McConnell and others, a committee on behalf of the surviving officers of the Pennsylvania line of the Revolutionary army, praying the immediate decision of Congress on the application of the said officers for remuneration for services during the said war; and the memorial was read.

ADDITIONAL MILITARY FORCE.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps," together with the amendments reported thereto by the select committee.

Mr. GILES rose and opposed at length the bill as it came from the House, reserving to himself the privilege of acting on the proposed amendment according to the result of further reflections. He believed the bill would be productive of no practical efficacy. It proposed a force which could

not be raised; and if raised, from the short period of its service, in the event of serious hostilities, would be utterly incompetent to effect the objects of those hostilities. The bill would be inoperative, because, in the States of Massachusetts and Vermont, (and he presumed in other States,) no power or provision existed by which these volunteers could be commissioned, so as to perform the contemplated service; and if the Government were deprived of the volunteers in Massachusetts and Vermont, he did not know where they could obtain volunteers for the object which he believed all branches of the Government had in view. He presumed that the system of volunteers was the favorite system of the Government; and this he inferred from their having recommended to the other House the raising of ten thousand regulars only, and from the Message of the President, sent in after both Houses had passed the bill for raising twenty-five thousand regulars, and communicating the correspondence between Mr. Foster and Mr. Monroe, as a ground for urging Congress to persevere in the preparations they were engaged in making. The President must, therefore, have deemed a volunteer force essential for the contemplated service. And here he observed he thought, if his correspondence with the British Envoy, which afforded evidence of "continued hostility" towards us, furnished matter of sufficient importance to press upon Congress the utility of hastening their measures of preparation, that the other business of the Department of State might have been allowed to repose long enough for a reply to have been made to Mr. Foster, before nearly a month had elapsed after the date of his letter. He did not advert to this circumstance from any want of respect to this Government: he should always treat them with the highest respect. He should prefer the reduction of the number of the volunteers to twenty-five thousand, rather than the retention of the fifty thousand, because it would increase the momentum of actual force, and decrease the expenses, about which so much has been said. Surely, he said, he did not mean that it would not increase the momentum of force proposed by the other House, but that proposed by the Executive. The Executive had asked for ten thousand regulars, and fifty thousand volunteers—in all, sixty thousand men. The other House had agreed to give him eighty-five thousand. The proposed amendment would, therefore, bring the quantum of force down nearly to the Executive requisition. But the bill proposed a force which would be utterly inefficient, as all other volunteer bills had been. The returns under the thirty thousand volunteer law, passed two or three years ago, were so few, that the Secretary of War did not register them. He asked, how efficient could that species of force be, of which the Chief Magistrate did not think it worth while to have a record kept! It was only a formidable display of armies on paper—a tender of services—which only produced very handsome replies from the President. He did not censure the Secretary of War or the President; very far from it; the defect had been in the law. He beg-

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ged gentlemen to look seriously at the subject. If a war should ensue, it must be a serious one. The responsibility attached to Congress of placing an adequate force in the hands of the President for the war. But, if they passed a law which would give the President only a nominal force, totally incompetent to effect any desirable object, he, for one, should be unwilling to take any share of responsibility on himself.

Mr. G. said, he had been reproached the other day with a preference of regulars to volunteers; and volunteers were said to be more congenial to the Constitution than regular armies. He said that volunteers were not mentioned in the Constitution at all—they had never been recommended by General WASHINGTON, and no law had been passed to raise volunteers, until the year after that great man left the Administration. They were an invention, a theory of modern days. The Constitution had authorized armies without restriction; the only restriction at least, was to the time for which appropriation for their support could be made. And with respect to the assertion that the Constitution never meant to sanction the idea of offensive war, he asked whether it could not, for one moment, be supposed that the wise framers of that instrument, knew that Canada and Florida existed on our borders? He said those virtuous and patriotic men had too much wisdom to restrict Congress to defensive war. The idea was absurd; it was one of the fruitful visionary notions of the day. Mr. G. objected to this bill, because he feared it was intended to supersede the army. Before he proceeded to demonstrate its inefficiency, and the impolicy of short enlistments, he would notice one or two circumstances connected with the proceedings at this session. He knew that the world had been very busy in ascribing to him motives of hostility to the Administration. What was the fact? The measures which he had advocated would protect the Administration. The time was coming when its character would be tested; and surely efficient measures, for trying times, would best bring its real character to light. But the language which had been indulged in abroad, and here too, was calculated to subvert the freedom of discussion and deliberation in this body. If a legislature were of any use at all, it was to exercise its own judgment, and aid the other functionaries of the Government, according to the best result of that judgment, formed upon a mature deliberation. Desert the standard of your own judgment, Mr. President, and where will you find fidelity in any other standard? You are always certain that it is faithful; but you are not so with respect to the judgment of your friends. He disclaimed the idea of subscribing to the infallibility of any men.

If such doctrine can be adopted it was only necessary for this, or that man, to point to his favorite measures, and they must be agreed to, whether right or wrong. He had always understood the favorite motto of the Republicans to be "measures and not men," but this doctrine is now inverted. You have only to look at the man, and applaud or condemn the measures. The man

himself, and not the measures, constitute the test of their wisdom. He never would abandon himself to such a principle; and in supporting any measure, should follow the dictates of his own judgment, if he stood alone and were certain of being overwhelmed by popular clamor. He could rely upon his own judgment; but he could not upon popular opinion, which was as variable as the wind. But though he had thus condemned the authority of names, he would shelter himself under a great name, on the occasion. In his youthful political days, he did not now hesitate to confess, he had distrusted General Washington as a statesman, he had never doubted his patriotism, or his talents as a soldier. But when he had felt a want of confidence in this great man, as a statesman, he had little experience; he was surrounded by visionary theories; but from further experience, further information, and further reflection, although he was not prepared to subscribe to all the measures of that gentleman's administration, he was fearful that, "take him all in all, we shall never see his like again."

Here Mr. G. made various quotations from "Marshall's Life of Washington," to show that from the commencement to the end of the Revolutionary war, our illustrious Commander-in-Chief was convinced of the fatal impolicy of short enlistments; that he was urgent in pressing upon Congress the necessity of changing their plan, in this respect; and that he imputed the loss and failure of the expedition of the brave Montgomery against Quebec, and various other disasters, to the same pernicious principle of short enlistments. Indeed, said Mr. G., it appears, from this history, that short enlistments of our regular troops had very nigh strangled our independence in its cradle; nothing but a divine interposition could have enabled us, under all circumstances, to have achieved it. He treated the fears of danger to our liberties, from a regular force of thirty-five thousand men, as perfectly visionary; and all the quotations which had been drawn from history to show the dangers of standing armies were inapplicable to the United States. Of whom could our army be composed? Of officers and men who were born and raised in the love of liberty; but, supposing they should turn their arms against their country, could gentlemen seriously apprehend so much danger, when the United States had a military force of six hundred thousand men, with arms in their hands? Was this the case with the States of Greece; or with France, when Bonaparte usurped the Government? Certainly not. The body of the people in Greece were slaves. The people of France did not understand what liberty was; they had, besides, seen blood stream from the beginning to the end of the Revolution; they therefore made no resistance to usurpation and a change of Government; they had no arms in their hands; the Parisian mob were only to be gained over to the usurper, and things were settled.

[For a full report of this speech of Mr. GILES, see Supplemental Speeches at the end of the volume.]

SENATE.

Virginia Resolutions.

FEBRUARY, 1812.

THURSDAY, January 30.

The bill entitled "An act concerning the Naval Establishment," was read, and passed to the second reading.

On motion of Mr. BRADLEY, the bill was read the second time, by unanimous consent, and referred to the committee to whom was referred, on the 8th of November, so much of the Message of the President of the United States as concerns the relations between the United States and Great Britain and France, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps," together with the amendments reported thereto by the select committee; and the bill having been amended, the PRESIDENT reported it to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill to promote the progress of science and useful arts, by securing, for a limited time to inventors, the exclusive right to their respective discoveries; and the bill having been amended, the PRESIDENT reported it to the House accordingly; and, on motion of Mr. ANDERSON, the further consideration thereof was postponed until to-morrow.

Mr. ANDERSON presented the memorial of Thomas Corcoran and others, citizens of Georgetown, in the District of Columbia, stating that they had commenced certain improvements in the channel of the river Potomac, near that town, but that they were impeded in their progress by a legal injunction, on suggestion that they might do injury to the bridge lately erected over the aforementioned river; and that the petitioners are constrained to lay their case again before Congress, and to ask their interposition and relief; and the memorial was read, and referred to a select committee, to consist of five members, to consider and report thereon by bill or otherwise; and Messrs. ANDERSON, GREGG, GOODRICH, SMITH of Maryland, and BRADLEY, were appointed the committee.

FRIDAY, January 31.

The Senate resumed the consideration of the bill to promote the progress of science and the useful arts, by securing, for a limited time, to inventors, the exclusive right to their respective discoveries. And, after debate, the further consideration thereof was postponed until Monday next.

Mr. GILMAN, from the committee, reported the amendment to the bill, entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps," correctly engrossed; and the bill was read the third time as amended.

On motion, by Mr. WORTHINGTON, that the

bill be recommitted, it was determined in the negative.

Resolved, That this bill pass with an amendment.

MONDAY, February 3.

The PRESIDENT communicated the report of the Secretary for the Department of War, on the contracts made by him in the year 1811, and those made by the Purveyor of Public Supplies, for the same year; in compliance with the requisition of the fifth section of the act of the 21st of April, 1808; and the report was read.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for the support of Government for the year 1812;" also a bill, entitled "An act to alter the times of holding the district courts within and for the district of Connecticut;" in which they desire the concurrence of the Senate.

The bills last brought up for concurrence were read, and passed to the second reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

I lay before Congress a report of the Secretary of the Treasury, containing a statement of proceedings under the "Act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio."

JAMES MADISON.

FEBRUARY 1, 1812.

The Message and papers therein referred to were read.

The Senate resumed the bill to promote the progress of science and useful arts, by securing, for a limited time, to inventors, the exclusive right to their respective discoveries; and the bill was further amended.

On the question, Shall this bill be engrossed, and read a third time as amended? it was determined in the affirmative.

VIRGINIA RESOLUTIONS.

The PRESIDENT laid before the Senate a letter from the Governor of Virginia, communicating the resolutions of the General Assembly of that Commonwealth on certain measures of the General Government, connected with our foreign relations; which were read, as follows:

STATE OF VIRGINIA, Jan. 25, 1812.

The General Assembly of Virginia have beheld, with deep sensibility, the flagrant violations which the great belligerents of Europe have practised upon the rights of neutrality, as established upon the principles of universal law, and sanctioned by the acquiescence of the whole civilized world for many ages. These violations have driven all the nations of Europe into a war, alike unexampled in its ravages and its consequences; and, whilst the United States have kept out of its vortex, and most scrupulously adhered to the duties devolved upon them, by treating all with equal impartiality, they have, from year to year, indulged the illusive hope that reflection would bring back the aggressors to a sense

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of justice, and returning reason would insure to the long violated immunities of the persons and property of their citizens an exemption from the war committed upon them. France has paused in her career of hostility, and thereby afforded to her rival, England, an opportunity of performing her solemn promises without a compromise of her pride; and it was expected by the Government and people of the United States that the proofs of this pause, presented in an unquestionable shape to the British Ministry, would have been promptly followed by a repeal of the Orders in Council; but fatal experience has produced the painful conviction that, in this just expectation, they have been mistaken. And, regardless of all principle, the bold avowal has been made by Great Britain, that the permitted admission of her fabrics into the continent of Europe, through neutral vessels, was an indispensable preliminary to the termination of her aggressions; a condition which the United States have no right to demand in relation to the produce of their own soil or manufactures, and which their honor forbids them to demand at the instance and for the benefit of another. With a knowledge of this avowal, and the daily evidence that Great Britain executes her orders in their living spirit, which is war upon us, of the most aggravated species, a further indulgence of hope is allied with disgrace, and forbearance becomes criminal; and although this Assembly confide in the patriotism of the Congress and Executive of the United States to assert the rights of the nation, in the manner its honor requires; and, as regards themselves, this expression of their opinion may be superfluous, yet, influenced by the examples of preceding Legislatures, at times less momentous than the present, and apprehensive that their silence will be misconstrued into indifference or distrust, more especially as the Minister Plenipotentiary of Great Britain, in his correspondence with the Government of the United States, recently published, has opposed, to the act of the Executive, and the evidence on which it was predicated, a presumed disagreement, as to the fact upon which he decided, and the justice of the measure that he had adopted by "all the legal authorities in the United States;" and because we believe the measures of hostility, pursued by the British Government against us, are persisted in, in the belief that we are a divided people, this Assembly declare their conviction to be, that not only "all the legal authorities of this State," but the people also, from whom the former derive their powers, concur in the sentiment of confidence in the Government of the Union, and a firm resolution to support it in the redemption of its plighted faith, "to maintain the rights, honor, and independence of the United States; and, actuated by a sacred regard for the Constitution and liberties of United America, sanctioned by the wisdom of their fathers, and consecrated with their blood, they will not withhold the testimony of their confidence, and the solemn assurance of their co-operation to meet the crisis with the firmness of men, and the determination of freemen: Therefore,

Resolved, That this Assembly, speaking, as they believe they do, the voice of the people of this Commonwealth, have viewed, with approbation, the uniform zeal with which just remonstrances have been made by the General Government, for the purpose of obtaining from Great Britain, by honorable negotiation, a redress of the many wrongs inflicted upon us by her Orders in Council, and other measures equally hostile to the interests of the United States.

Resolved, as the opinion of this Assembly, That, however highly we value the blessings of peace, and however we deprecate the evils of war, the period has now arrived *when peace, as we now have it, is disgraceful, and war is honorable.*

Resolved, That this Assembly will support the General Government in all Constitutional and legitimate measures, which may be adopted in vindication of the rights and interest of the people of the United States, and in support of the character and dignity of the Government thereof; and, for these purposes, we pledge "our lives, our fortunes, and our sacred honor."

Resolved, That the Executive of this State be requested to transmit the foregoing preamble and resolutions to the Executive and Legislative departments of the General Government.

TUESDAY, February 4.

Mr. SMITH, of Maryland, from the committee to whom was referred the bill, entitled "An act for the establishment of a quartermaster's department," together with the amendments of the House of Representatives thereto, reported that the further consideration of the bill be postponed to the first Monday in August next. He also read, in his place, the draught of a bill in addition to the Military Establishment of the United States; and which was ordered to be printed.

Mr. WORTHINGTON, from the committee to whom was referred the bill, entitled "An act for the revision of former confirmations, and for confirming certain claims to land in the district of Kaskaskia," reported it without amendment.

Mr. LEIB, from the committee appointed on the petition of John Bioren and others, reported a bill authorizing a subscription for the laws of the United States; and the bill was read, and passed to the second reading.

Mr. REED, from the committee appointed on the subject, reported a bill in addition to, and for repealing certain parts of, an act, entitled "An act for establishing rules and articles for the government of the armies of the United States;" and the bill was read, and passed to the second reading.

The bill, entitled "An act to alter the times of holding the district courts within and for the district of Connecticut," was read the second time; and, by unanimous consent, it was read the third time, and passed.

The bill, entitled "An act making appropriations for the support of Government for the year 1812," was read the second time, and referred to a select committee to consider and report thereon; and Messrs. TAIT, FRANKLIN, and GOODRICH, were appointed the committee.

Mr. GILMAN, from the committee, reported the bill to promote the progress of science and useful arts, by securing, for a limited time, to inventors, the exclusive right to their respective discoveries, correctly engrossed; and the bill was read the third time, and passed.

The Senate resumed, as in Committee of the Whole, the bill to incorporate Moses Austin, John Rice Jones, Henry Austin, and others, into a company, by the name of the Louisiana Lead

Company; and, after debate, it was agreed that the further consideration thereof be postponed until to-morrow.

Mr. BAYARD, from the committee to whom was recommitted the bill supplementary to the act, entitled "An act to regulate the collection of duties on imports and tonnage," reported the bill with an amendment.

On motion, by Mr. FRANKLIN, the bill, which originated in the Senate, appropriating a sum of money for procuring munitions of war, was postponed until the first Monday in December next.

WEDNESDAY, February 5.

The PRESIDENT communicated the report of the Commissioners of the Sinking Fund, stating that the measures which have been authorized by the Board, subsequent to their last report of the 2d of February, 1811, so far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to the Board, dated the first day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as part of this report; and the report was read.

The bill in addition to, and for repealing certain parts of, an act, entitled "An act for establishing rules and articles for the government of the armies of the United States," was read the second time.

The bill authorizing a subscription for the laws of the United States was read the second time.

The Senate resumed, as in Committee of the Whole, the bill to incorporate Moses Austin, John Rice Jones, Henry Austin, and others, into a company, by the name of the Louisiana Lead Company.

On motion, by Mr. LEIB, that the further consideration thereof be postponed until the first Monday in December next, it was determined in the negative—years 11, says 13, as follows:

YEAS—Messrs. Bayard, Bibb, Franklin, Gaillard, Horsey, Lambert, Leib, Lloyd, Smith of Maryland, Turner, and Varnum.

NAYS—Messrs. Anderson, Bradley, Condit, Crawford, Cutts, German, Goodrich, Gregg, Howell, Hunter, Smith of New York, Tait, and Taylor.

On motion, by Mr. LEIB, that the further consideration of the bill be postponed until the first Monday in April next, it was determined in the negative.

On motion, by Mr. GREGG, it was agreed that the further consideration thereof be postponed until the first Monday in March next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the revision of former confirmations, and for confirming certain claims to land in the district of Kaskaskia;" and it was ordered to the third reading.

The Senate resumed the consideration of the bill supplementary to the act, entitled "An act to regulate the collection of duties on imports and tonnage," together with the amendment reported thereto by the select committee; and, on motion,

by Mr. BAYARD, it was agreed that the further consideration thereof be postponed until the first Monday in March next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill respecting the enrolling and licensing steamboats; and on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act supplementary to 'An act to raise, for a limited time, an additional military force,'" passed on the 12th day of April, 1808; in which they request the concurrence of the Senate.

The bill last brought up for concurrence was read and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the bill establishing a Land Office; and after agreeing to sundry amendments, the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

THURSDAY, February 6.

The bill, entitled "An act supplementary to 'An act to raise, for a limited time, an additional military force,'" passed on the 12th day of April, 1808, was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. REED, ANDERSON, and BRADLEY, were appointed the committee.

Mr. CAMPBELL, of Ohio, submitted the following motion for consideration:

"That a committee be appointed to inquire into the expediency of ascertaining, surveying, and establishing, the Northern and Western boundary lines of the State of Ohio; and that the committee have leave to report by bill or otherwise."

On motion, by Mr. SMITH of Maryland, the bill, entitled "An act for the establishment of a quartermaster's department," together with the amendments of the House of Representatives thereto, was postponed until the first Monday in December next, agreeably to the report of the committee.

The bill in addition to the Military Establishment of the United States, reported as a substitute for the bill last mentioned, was read, and passed to the second reading.

The bill, entitled "An act for the revision of former confirmations, and for confirming certain claims to land in the District of Kaskaskia," was read the third time, and passed.

The Senate resumed, as in Committee of the Whole, the bill establishing a land office; and, after debate, on motion, by Mr. BAYARD, it was recommitted to a select committee, further to consider and report thereon; and Messrs. BAYARD, WORTHINGTON, and GREGG, were appointed the committee.

Mr. GILMAN, from the committee, reported the bill respecting the enrolling and licensing of steamboats correctly engrossed; and the bill was read the third time, and passed.

The Senate resumed, as in Committee of the

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Whole, the bill authorizing a subscription for the laws of the United States, and further consideration thereof was postponed until the first Monday in March next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year 1812;" a bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1812;" a bill, entitled "An act making a further appropriation for the defence of our maritime frontier;" a bill, entitled "An act making appropriations for the support of an additional military force;" also, a bill, entitled "An act making an appropriation for the expenses incident to the six companies of mounted rangers during the year 1812;" in which bills they request the concurrence of the Senate.

The five bills last mentioned were read and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill in addition to, and for repealing certain parts of, an act, entitled "An act for establishing rules and articles for the government of the armies of the United States;" and on motion, by Mr. BRADLEY, the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

FRIDAY, February 7.

The PRESIDENT communicated a letter from the Secretary of War, transmitting the report of the commissioners appointed conformably to "An act to authorize the Secretary of War to ascertain and settle, by the appointment of commissioners, the exterior line of the public land at West Point with the adjoining proprietor;" and the letter and report were read.

The bill, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year 1811," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. FRANKLIN, TAIT, and GOODRICH, were appointed the committee.

The bill, entitled "An act making a further appropriation for the defence of our maritime frontier," was read the second time.

The bill, entitled "An act making appropriations for the support of an additional military force," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. CAMPBELL of Tennessee, BRENT, and DANA, were appointed the committee.

The bill, entitled "An act making an appropriation for the expenses incident to the six companies of mounted rangers during the year 1812," was read the second time, and referred to the committee last mentioned, to consider and report thereon.

The bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1812," was read the second

time, and referred to a select committee, to consider and report thereon; and Messrs. BRADLEY, BRENT, and DANA, were appointed the committee.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the Secretary of the Treasury to locate the lands reserved for the use of Jefferson College, in the Mississippi Territory," in which they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

Mr. POPE presented the petition of the Synod of Kentucky, sitting in Lexington, praying that the public mail may not be permitted to be carried on the Sabbath days, except on extraordinary occasions, for reasons therein stated; and the petition was read.

The Senate resumed the consideration of the motion made yesterday by Mr. CAMPBELL, of Ohio; and, on motion, by Mr. BRADLEY, it was amended and agreed to, as follows:

Resolved, That a committee be appointed to inquire into the expediency of ascertaining, surveying, and establishing, the Northern and Western boundary lines of the State of Ohio, and the Northern line of the State of Vermont; and that the committee have leave to report by bill or otherwise.

MESSRS. BRADLEY, CAMPBELL of Ohio, CURTIS, HOWELL, and DANA, were appointed the committee.

The bill in addition to the Military Establishment of the United States was read the second time, and considered as in Committee of the Whole, and the further consideration thereof postponed until Monday next.

Mr. BRADLEY, from the committee to whom was referred the bill, entitled "An act to provide for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," reported the bill as amended.

MONDAY, February 10.

Mr. CAMPBELL, of Tennessee, from the committee to whom was referred the bill, entitled "An act making appropriations for the support of an additional military force," reported it without amendment. He also reported, from the same committee, the bill, entitled "An act making an appropriation for the expenses incident to the six companies of mounted rangers during the year 1812," without amendment.

The bill, entitled "An act authorizing the Secretary of the Treasury to locate the lands reserved for the use of Jefferson College, in the Mississippi Territory," was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act providing for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," together with the amendment reported thereto by the select committee, which was agreed to; and the PRESIDENT reported the bill to the House accordingly.

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On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The Senate resumed the consideration of the motion made by Mr. REED, on the 21st January, as amended; and, on motion by Mr. BRADLEY, that it be referred to a select committee, to consider and report thereupon, it was determined in the negative—yeas 11, nays 14, as follows:

YEAS—Messrs. Anderson, Bradley, Campbell of Ohio, Condit, Crawford, Cutts, Howell, Smith of New York, Tait, Taylor, and Turner.

NAYS—Messrs. Bayard, Franklin, Gaillard, German, Gilman, Goodrich, Horsey, Hunter, Lambert, Leib, Reed, Smith of Maryland, Varnum, and Worthington.

On motion by Mr. ANDERSON, that the further consideration thereof be postponed until the first Monday in March next, it was determined in the affirmative—yeas 20, nays 11, as follows:

YEAS—Messrs. Anderson, Bibb, Bradley, Campbell of Ohio, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Gregg, Howell, Leib, Pope, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bayard, Dana, German, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Reed, and Smith of Maryland.

The PRESIDENT communicated a letter from the Governor of the State of Georgia, transmitting a copy of the resolution passed by the General Assembly of that State, ratifying and confirming an amendment proposed by Congress to the Constitution of the United States, relative to titles of nobility. And the letter and resolution were read.

On motion by Mr. BRADLEY,

Resolved, That the Secretary of the Senate transmit to the Secretary of the Department of State the resolution of the Legislature of the State of Georgia, ratifying and confirming an amendment proposed by Congress to the Constitution of the United States, respecting titles of nobility; together with the resolutions of the Legislatures of such other States as have ratified the same.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize a detachment from the militia of the United States;" a bill, entitled "An act to establish a land district in the Illinois Territory, east of the district of Kaskaskia, and to attach certain public lands to the district of Jeffersonville;" also, a bill, entitled "An act for the relief of Captain Selah Benton;" in which bills they request the concurrence of the Senate.

The three bills last mentioned were read, and passed to a second reading.

TUESDAY, February 11.

Mr. GILMAN, from the committee, reported the amendment to the bill, entitled "An act providing for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," correctly engrossed; and the bill was read the third time as amended, and passed.

The bill, entitled "An act to authorize a detachment from the militia of the United States," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. REED, VARNUM, and HUNTER, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the bill in addition to the Military Establishment of the United States; and, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

The bill, entitled "An act to establish a land district in the Illinois Territory, east of the district of Kaskaskia, and to attach certain public lands to the district of Jeffersonville," was read the second time, and referred to the committee appointed the 14th November last, on the resolution respecting public lands, to consider and report thereon.

The bill, entitled "An act for the relief of Captain Selah Benton," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. BIBB, LEIB, and REED, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill in addition to, and for repealing certain parts of, an act, entitled "An act for establishing rules and articles for the government of the Armies of the United States;" and, on motion by Mr. DANA, the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making appropriations for the support of an additional military force;" and the bill was amended, and the PRESIDENT reported it to the House accordingly.

On the question, Shall the bill be read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing the Secretary of the Treasury to locate the lands reserved for the use of Jefferson College, in the Mississippi Territory."

On the question, Shall this bill be read a third time? it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to ascertain and establish the western boundary of the tract reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia line on Continental Establishment," in which bill they desire the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

On motion by Mr. TAYLOR, the bill, entitled "An act making a further appropriation for the defence of our maritime frontier," was referred to a select committee, to consider and report thereon; and Messrs. TAYLOR, LLOYD, and SMITH of Maryland, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An

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act making an appropriation for the expenses incident to the six companies of mounted rangers during the year 1812; and it was ordered to the third reading.

On motion of Mr. CAMPBELL, of Tennessee, that it be now read a third time, it was objected to, as against the rule.

WEDNESDAY, February 12.

The bill, entitled "An act to ascertain and establish the western boundary of the tract reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia line on Continental Establishment," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. WORTHINGTON, GREGG, and POPE, were appointed the committee.

Mr. TAIT, from the committee to whom was referred the bill, entitled "An act making appropriations for the support of Government for the year 1812," reported it with amendments.

Mr. GILMAN, from the committee, reported the bill in addition to the Military Establishment of the United States, correctly engrossed; and the bill was read the third time.

On motion by Mr. LLOYD, it was recommitted to a select committee, further to consider and report thereon; and Messrs. LLOYD, SMITH of Maryland, and CRAWFORD, were appointed the committee.

Mr. GILMAN, from the committee, also reported the amendment to the bill, entitled "An act making appropriations for the support of an additional military force," correctly engrossed; and the bill was read the third time as amended, and passed.

The bill, entitled "An act making an appropriation for the expenses incident to the six companies of mounted rangers during the year 1812," was read the third time, and passed.

The bill, entitled "An act authorizing the Secretary of the Treasury to locate the lands reserved for the use of Jefferson College, in the Mississippi Territory," was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of the Board of Commissioners west of Pearl river;" also a bill, entitled "An act for the benefit of Christopher Miller;" in which bills they request the concurrence of the Senate.

The bills last brought up for concurrence were read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill in addition to, and for repealing certain certain parts of, an act, entitled "An act for establishing rules and articles for the government of the Armies of the United States;" and the bill was amended, and the PRESIDENT reported it to the House accordingly. On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the negative—yeas 10, nays 15, as follows:

YEAS—Messrs. Anderson, Bibb, Campbell of Ohio, German, Howell, Leib, Pope, Reed, Taylor, Varnum.

NAYS—Messrs. Bayard, Bradley, Condit, Crawford, Cutts, Gaillard, Gilman, Goodrich, Gregg, Lambert, Smith of Maryland, Smith of New York, Tait, Turner, and Worthington.

Mr. POPE presented the memorial and petition of John Lisle and Margaret his wife, late Margaret Lapsley, widow and administratrix of Samuel Lapsley, deceased, and Miss Lapsley, daughter and sole heir of the said Samuel, stating that the said Samuel Lapsley served as an officer in the late Revolutionary war, and after the peace he received two certificates, commonly called commutation or final settlement certificates, which, in the year 1786, he placed in the hands of Mr. Greenlee, for the purpose of obtaining the indents of interest thereon, and which were lost by Mr. Greenlee, and have never since been found, and have never been funded; and praying relief, for reasons stated at large in the memorial; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. POPE, BRADLEY, and GREGG, were appointed the committee.

THURSDAY, February 13.

Mr. WORTHINGTON, from the committee to whom was referred the bill, entitled "An act to establish a land district in the Illinois Territory, east of the district of Kaskaskia, and to attach certain public lands to the district of Jeffersonville," reported it without amendment.

The PRESIDENT communicated the general account of the Treasurer of the United States, from October 1, 1810, to October 1, 1811; as also the accounts of the War and Navy Departments for the same period; together with the reports of the accounting officers of the Treasury thereon; which were read.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making appropriations for the support of Government for the year 1812," together with the amendments reported thereto by the select committee; and, on motion by Mr. TAIT the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The bill, entitled "An act for the relief of the Board of Commissioners west of Pearl river," was read the second time.

FRIDAY, February 14.

Mr. BRADLEY, from the committee to whom was referred the bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1812," reported it without amendment.

Mr. TAIT, from the committee to whom was referred the bill, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year 1812," reported it without amendment.

Mr. BIBB, from the committee to whom was referred the bill, entitled "An act for the relief of Captain Selah Benton," reported it without amendment.

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The bill, entitled "An act for the benefit of Christopher Miller," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. BRADLEY, POPE, and SMITH, of New York, were appointed the committee.

Mr. SMITH, of New York, presented the petition of Nathaniel G. Ingraham, and others, of New York, merchants, and citizens of the United States, stating that they are copartners in trade, in which they have heretofore been very successful; but that, owing to the present unfavorable state of the relations between this country and the commercial nations of Europe, they have lost the whole of their private estates, and become corporately and individually insolvent; and that they owe to the United States a considerable balance on custom-house bonds, for which they and their surety are now imprisoned; and praying relief, for reasons stated therein at large; and the petition was read, and referred to the Secretary of the Treasury, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making appropriations for the support of Government for the year 1812," together with the amendments reported thereto by the select committee; and having agreed in part to the amendments, the President reported the bill to the House amended accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of the Board of Commissioners west of Pearl river." And on motion, by Mr. CRAWFORD, it was referred to a select committee, to consider and report thereon; and Messrs. CRAWFORD, GREGG, and WORTHINGTON, were appointed the committee.

MONDAY, February 17.

Mr. REED, from the committee to whom was referred the bill, entitled "An act supplementary to 'An act to raise, for a limited time, an additional military force,' passed on the 12th day of April, 1808," reported it without amendment.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1812;" and it was ordered to the third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year 1812;" and it was ordered to the third reading.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Captain Selah Benton;" and it was ordered to the third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to establish a land district in the Illinois Ter-

ritory, east of the district of Kaskaskia, and to attach certain public lands to the district of Jeffersonville;" and it was ordered to a third reading.

Mr. GILMAN, from the committee, reported the amendments to the bill, entitled "An act making appropriations for the support of Government for the year 1812," correctly engrossed.

On motion, by Mr. ANDERSON, that the bill be recommitted to a select committee, for the purpose of inserting an amendment to entitle the clerks in the Navy Department to receive fifteen per centum in addition to their salaries as established by law—on motion by Mr. SMITH, of Maryland, the further consideration thereof was postponed until to-morrow.

Mr. LLOYD gave notice that to-morrow he should ask leave to bring in a bill to alter the times of holding the circuit courts of the first circuit.

TUESDAY, February 18.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act supplementary to 'An act to raise, for a limited time, an additional force,' passed on the 12th day of April, 1808," and it was ordered to the third reading.

The bill, entitled "An act for the relief of Captain Selah Benton," was read the third time and passed.

The bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1812," was read the third time, and passed.

The bill, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year 1812," was read the third time.

The bill entitled "An act to establish a land district in the Illinois Territory, east of the district of Kaskaskia, and to attach certain public lands to the district of Jeffersonville," was read the third time, and passed.

The Senate resumed the third reading of the bill, entitled "An act making appropriations for the support of Government for the year 1812."

On motion, by Mr. ANDERSON, to amend the bill, by unanimous consent, by striking out the following words, lines 129 and 130 of the printed bill, "eight thousand six hundred and eighty-five," for the purpose of inserting, in lieu thereof, "nine thousand four hundred and twenty:" it was objected to as against the rule.

On motion, by Mr. ANDERSON, the bill was recommitted to a select committee, further to consider and report thereon; and Messrs. ANDERSON, GOODRICH, and TAIT, were appointed the committee.

Mr. ANDERSON, from the committee last mentioned, reported the bill amended.

Mr. LLOYD asked and obtained leave to bring in a bill to alter the times of holding the circuit courts of the first circuit, and the bill was read; and, by unanimous consent the second time; and referred to a select committee, to consider and report

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thereon; and Messrs. LLOYD, CUTTS, and HUNTER, were appointed the committee.

WEDNESDAY, February 19.

The bill, entitled "An act supplementary to 'An act to raise, for a limited time, an additional military force,' passed on the 12th day of April, 1808," was read the third time; and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making appropriations for the support of Government for the year 1812," together with the amendment reported thereto by the select committee, and the amendment was agreed to, and further amendments were proposed. Whereupon, on motion, by Mr. TARR, the further consideration of the bill was postponed until to-morrow.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the Secretary of the Treasury, under the direction of the President of the United States, to purchase of Winslow Lewis his patent right to the new and improved method of lighting light-houses, and for other purposes;" in which they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

Mr. WORTHINGTON, from the committee appointed to inquire if any, and what, further provisions or alterations are necessary in the laws of the United States for the sale of public lands, reported a bill making further provision for the sale of public lands; and the bill was read, together with a report made by Mr. Worthington on behalf of the committee, on the subject-matter of the said bill. The bill was ordered to the second reading.

Mr. REED, from the committee to whom was referred the bill, entitled "An act to authorize a detachment from the militia of the United States," reported it amended.

THURSDAY, February 20.

The bill, entitled "An act to authorize the Secretary of the Treasury, under the direction of the President, of the United States, to purchase of Winslow Lewis his patent right to the new and improved method of lighting light-houses, and for other purposes," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. LLOYD, ANDERSON, and HOWELL, were appointed the committee.

Mr. POPE presented the petition of Lewis Gex O'Cousier and others, praying the interposition of Government for their encouragement in the cultivation of the vine, as is stated at large in the petition; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. POPE, TARR, and GREGG, were appointed the committee.

Mr. LLOYD presented the petition of Mary Nicholson, widow of the late Commodore Samuel Nicholson, stating that, by the death of her husband, she, together with her two daughters,

are left to penury and want, and praying that in consideration of Revolutionary services of her late husband, Congress will grant her relief; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. LLOYD, BRADLEY, and CRAWFORD, were appointed the committee.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to alter the time of holding the circuit courts of the United States at Knoxville, in the district of East Tennessee, in the State of Tennessee," in which they request the concurrence of the Senate.

The bill last brought up for concurrence was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act making appropriations for the support of Government for the year 1812;" and the President reported the bill to the House amended.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

Mr. LLOYD, from the committee to whom was referred the bill in addition to the Military Establishment of the United States, reported it amended.

On motion, by Mr. BRADLEY, it was agreed that the bill, entitled "An act to authorize a detachment from the militia of the United States," be postponed to, and be made the order of the day for, to-morrow.

FRIDAY, February 21.

The PRESIDENT communicated a report from the Secretary for the Department of War, in obedience to the fifth section of an act, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes;" and the report was read.

The bill making further provision for the sale of public lands was read the second time.

The bill, entitled "An act to alter the time of holding the circuit courts of the United States at Knoxville, in the district of East Tennessee, in the State of Tennessee," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. CAMPBELL of Tennessee, BIBB, and WORTHINGTON, were appointed the committee.

Mr. GILMAN, from the committee, reported the amendments to the bill, entitled "An act making appropriations for the support of Government for the year 1812," correctly engrossed; and the bill was read the third time as amended, and passed.

Mr. GILES, from the committee to whom was referred the bill, entitled "An act concerning the Naval Establishment," reported it with amendments, together with sundry documents explanatory of the amendments; and, on motion, the further consideration thereof was postponed to, and made the order of the day for, Wednesday next.

The Senate resumed, as in Committee of the

Whole, the bill in addition to the Military Establishment of the United States, together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act concerning the levy court of the county of Washington, in the District of Columbia;" a bill, entitled "An act giving further time for registering claims to land in the western district of the Territory of Orleans;" also, a bill, entitled "An act supplementary to 'An act making provision for arming and equipping the whole body of the militia of the United States,'" in which bills they request the concurrence of the Senate. They also concur in the bill, entitled "An act for the relief of Thomas O'Bannon."

The three bills last brought up for concurrence were read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to authorize a detachment from the militia of the United States," together with the amendments reported thereto by the select committee.

On motion, by Mr. BRADLEY, to strike out the first section of the bill, it was agreed that the further consideration of the bill be postponed to, and be made the order of the day for, Monday next.

On motion, by Mr. LLOYD, the report of the Secretary of the Navy of the 3d instant, containing the name, rank, pay, and rations, of each commissioned officer and midshipman belonging to the Navy of the United States, respectively, be referred to a select committee, to consider and report thereon.

Messrs. LLOYD, CRAWFORD, and BRADLEY, were appointed the committee.

MONDAY, February 24.

Mr. GILMAN, from the committee, reported the bill in addition to the Military Establishment of the United States correctly engrossed; and the bill was read the third time, and was amended by unanimous consent, and passed.

On motion, by Mr. SMITH, of Maryland, the title thereof was amended as follows: "An act to establish a quartermaster's department, and for other purposes."

The bill, entitled "An act concerning the levy court of the county of Washington, in the District of Columbia," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. BRADLEY, BAYARD, and BRENT, were appointed the committee.

The bill, entitled "An act giving further time for registering claims to land in the Western district of the Territory of Orleans," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. WORTH-

INGTON, BRADLEY, and GREGG, were appointed the committee.

Mr. BRADLEY, from the committee to whom was referred the petition of the President and Directors of the Washington Canal Company, reported a bill to carry into effect an act of the legislature of the State of Maryland; and the bill was read, and passed to the second reading.

Mr. LLOYD, from the committee to whom was referred the bill, entitled "An act to authorize the Secretary of the Treasury, under the direction of the President of the United States, to purchase of Winslow Lewis his patent right to the new and improved method of lighting light-houses, and for other purposes," reported it amended.

Mr. BAYARD, from the committee to whom was referred the bill establishing a land office, reported it amended.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled, "An act to incorporate the Trustees of the Georgetown Lancaster School Society;" a bill, entitled "An act for the relief of the officers and soldiers who served in the late campaign on the Wabash;" also, a bill, entitled "An act supplementary to 'An act providing for the accommodation of the General Post Office and Patent Office, and for other purposes,'" in which bills they request the concurrence of the Senate.

The three bills last brought up for concurrence were read, and passed to the second reading.

The bill, entitled "An act supplementary to 'An act making provision for arming and equipping the whole body of the militia of the United States,'" was read the second time, and referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. POPE, BAYARD, GREGG, LLOYD, and BRADLEY, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to authorize a detachment from the militia of the United States," together with the amendments reported thereto by the select committee, and the motion to strike out the first section. And, after debate, the Senate adjourned.

TUESDAY, February 25.

The bill, entitled "An act to incorporate the Trustees of the Georgetown Lancaster School Society," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. HORSEY, BAYARD, and HUNTER, were appointed the committee.

The bill, entitled "An act supplementary to 'An act providing for the accommodation of the General Post Office and Patent Office, and for other purposes,'" was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. BRADLEY, GREGG, and HOWELL, were appointed the committee.

The bill, entitled "An act for the relief of the officers and soldiers who served in the late campaign on the Wabash," was read the second time, and referred to a select committee, to con-

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sider and report thereon; and Messrs. POPE, ANDERSON, and BIBB, were appointed the committee.

The bill to carry into effect an act of the Legislature of the State of Maryland, was read the second time, and the further consideration thereof postponed to, and made the order of the day for Friday next.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to authorize a detachment from the militia of the United States," together with the amendments reported thereto by the select committee; and, after debate, on motion, by Mr. BRADLEY, the bill was recommended to a select committee, to consist of five members, further to consider and report thereon; and Messrs. BRADLEY, POPE, CRAWFORD, REED, and VARNUM, were appointed the committee.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing a loan for a sum not exceeding eleven millions of dollars." They have also passed a joint resolution respecting the arts and manufactures of the United States; in which bill and resolution they request the concurrence of the Senate.

The bill and resolution were read, and passed to the second reading.

WEDNESDAY, February 26.

The joint resolution respecting the arts and manufactures of the United States was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. GREGG, CRAWFORD, and LLOYD, were appointed the committee.

The bill, entitled "An act authorizing a loan for a sum not exceeding eleven millions of dollars," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. LLOYD, CRAWFORD, and TART, were appointed the committee.

Mr. CAMPBELL, of Ohio, presented the petition of Samuel Brown, formerly of Massachusetts, and now of Ohio, stating that, whilst in the service of the United States, in the Revolutionary war, he was taken prisoner by the British at Quebec; that he hath not received any pay or rations for the time he was so in captivity, and that his claim therefor is now barred by the statute of limitation; and praying relief. And the petition was read.

The Senate resumed, as in Committee of the Whole, the bill establishing a land office, together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to authorize the Secretary of the Treasury, under the direction of the President of the United States, to purchase

of Winslow Lewis his patent right to the new and improved method of lighting light-houses, and for other purposes," together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

On motion, by Mr. WORTHINGTON, the consideration of the bill, making further provision for the sale of public lands, was made the order of the day for Monday next.

Mr. BIBB, from the committee appointed on the subject, reported a bill for the relief of Thomas and William Streshly; and the bill was read, and passed to the second reading.

THURSDAY, February 27.

Mr. BRADLEY, from the committee to whom was referred the bill, entitled "An act supplementary to 'An act providing for the accommodation of the General Post Office and Patent Office, and for other purposes,'" reported it without amendment, and the bill was ordered to the third reading.

Mr. POPE, from the committee to whom was referred the bill, entitled "An act for the benefit of Christopher Miller," reported it without amendment; and the further consideration thereof was postponed until to-morrow.

The bill for the relief of Thomas and William Streshly was read the second time, and the further consideration thereof postponed to, and made the order of the day for, Monday next.

A message from the House of Representatives informed the Senate that the House have passed a joint resolution authorizing the President of the Senate and Speaker of the House of Representatives, for the time being, to grant the use of the books of the library of Congress to the Judges of the Supreme Court of the United States; in which they request the concurrence of the Senate.

On motion, by Mr. LLOYD, the joint resolution last mentioned was read three times by unanimous consent; and was then concurred in.

Mr. POPE, from the committee to whom the subject was referred, reported a bill for the relief of the representatives of Samuel Lapsley, deceased; and the bill was read, and passed to the second reading.

Mr. GILMAN, from the committee, reported the amendments to the bill, entitled "An act to authorize the Secretary of the Treasury, under the direction of the President of the United States, to purchase of Winslow Lewis his patent right to the new and improved method of lighting light-houses, and for other purposes," correctly engrossed; and the bill was read the third time as amended, and passed.

Mr. GILMAN, from the committee, also reported the bill establishing a land office correctly engrossed; and the bill was read the third time.

Resolved, That this bill pass, and that the title

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thereof be "An act for the establishment of a General Land Office in the Department of the Treasury."

INCREASE OF THE NAVY.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act concerning the Naval Establishment," together with the amendments reported thereto by the select committee.

Mr. LLOYD.—Mr. President, the amendments proposed by the committee to whom this bill has been referred, having been gone through with, I now beg leave to offer a new one, by an additional section, to the following effect:

"Be it further enacted, That the President of the United States be, and he hereby is, authorized to cause to be built as speedily as may be, on the most approved model, — frigates, not exceeding thirty-six guns each; and that a sum not exceeding — dollars be, and the same is hereby appropriated for building the said frigates, out of any moneys in the Treasury not otherwise appropriated."

It is my intention, sir, to move for twenty new frigates; but the number I have left blank, in order, should the Senate be favorably disposed to an increase of the Navy, and disagree with me as to the degree of that increase, they might regulate the number at their pleasure.

Sir, I have been induced to offer this amendment from an impulse of duty towards my more immediate constituents, and also from a sense of the obligation imposed upon me, however feebly I may be able to respond to it, in the honorable station in which I am placed, to endeavor to the extent of my ability to support the dignity, protect the rights, and advance the best interests of the United States. Sir, I trust the amendment under consideration, if adopted, would have a relation, and a favorable relation, to all these objects.

If it be not the determination of the Government to engage in an open, actual, efficient war; to place the nation in such a complete state of preparation as may avert war, from our state of readiness to meet it; then the measures of the present session, those of filling up the existing Military Establishment, and thereby adding to it between six and seven thousand men, that of enlisting a standing army of twenty-five thousand men to serve for five years, unless sooner discharged—of providing for the employment of fifty thousand volunteers, and of holding in readiness one hundred thousand of the militia, would be not only inexcusable, but nearly treasonable; as they would in such case, without any adequate object, impose severe and heavy burdens upon the people of the United States, from which years of the highest degree of prosperity would not relieve them. But, sir, I am bound to believe, that, unless redress be obtained, it is the determination of the Government of the United States to enter into an actual, vigorous, real war, or at any rate to put the nation into a perfect state of readiness to commence it, should it be necessary; and in either of these cases, an efficient naval

force is as indispensable, nay much more indispensable, than a land force.

A few days since there was exhibited to the Senate an account of sales of three hundred and eighty hogsheads of tobacco and a parcel of cotton, recently disposed of in the dominions of his Majesty the Emperor of France, who professes so much affection for the United States, from which it appeared, that the tobacco, which cost with the charges near \$20,000, was not only totally sunk to the adventurers, but involved them in an additional loss for the payment of the expenses of near one thousand dollars more—of the cotton, fifteen-sixteenth parts were also sunk. Nor did this arise from a bad state of markets, the hazard of which merchants must always take, for the markets were unprecedentedly high. The tobacco, which could have been bought in the United States from 2½ to 5 dollars per cwt. sold at twenty dollars—and the cotton, which could have been purchased at ten cents, sold at fifty cents the pound. The loss arose solely from the perfidy and rapacity of the French Government, in seizing upon the greater part of both the adventures, under a pretence for the payment of duties, which it shifts *ad libitum* as suits either its avarice or caprice, or promulgates or withholds as best answers its purposes.

Sir, you will remark that these accounts of sale bear date July 15, only eight days antecedent to the information communicated to the American Government by Mr. Serrurier, in his letter to Mr. Monroe of July 23, 1811, in which he states, that "the introduction of tobacco is not prohibited in France—it forms the first object of culture of some of the States of the Union, and His Majesty, having an equal interest in the prosperity of all, desires that the relations of commerce should be common to all parts of the Federal territory." Yes, sir, this is indisputably the sort of interest which His Majesty is pleased to take in the commerce of the United States, and this the sort of benefit, which he, without doubt, would delight to render common to all parts of the Federal territory.

This information was given in too authentic a shape to admit of its being questioned; it came from one of the most respectable mercantile houses in the country, composed of Federalists,* and was made known to you by an honorable member of the Senate from Maryland, (Mr. SMITH,) of opposite politics, and who has long in some sort been considered or respected as the commercial organ of this House, if not of the Government. When these facts were stated, the colleague of the gentleman, (Mr. REED,) with the manly frankness of a soldier, of a man who, in the times which tried men's souls, devoted himself both soul and body to the service of his country—who entered your Army at the commencement, and continued in it to the termination of the Revolutionary war, with great usefulness to the public and reputation to himself—with that integrity which characterizes him, after giving vent to the honest indignation of his heart.

*Messrs. Robert Gilmore & Sons, of Baltimore.

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in a phillipic against the Emperor of France, which I shall not repeat, but which was as well placed as it was justly merited; he asked, "if this was to be the state of your commerce after a war with Great Britain, what in the name of God were you going to war for?" His colleague (Mr. Smith) rose immediately and said, this was not to be a war for commerce; it would be absurd to suppose the nation was now going to war for commerce—commerce had been abandoned long ago, the trade to France was worth nothing; and if the Orders in Council were off to-morrow, if the same system continued, the trade to France would be worth nothing. This was to be a war for honor—we are now going to fight for our honor!

Yes, sir, part of this is too true, commerce has been abandoned, commerce has been made the scape-goat, on whose back have been piled all the crudities and follies of mistaken theory and visionary speculation, and thus laden, she has been sent adrift into the wilderness to be lacerated by every briar or bramble, that could rob her of her coat, or plant a thorn in her carcass. No country on earth, in the same period of time, and under similar circumstances, ever reaped one half the benefits from commerce which have been experienced by the United States. Without adverting to the effect it has had on the extension and embellishment of your populous cities—without adverting to the encouragement it has offered to your agriculture and to the settlement of your wilderness, which has been made to blossom like the rose, and in all which it has been in a high degree instrumental—look at the records of the Treasury, and you will there see, that commerce has put into your public coffers, during the short period that has intervened since the adoption of the Federal Constitution, two hundred millions of dollars—a sum nearly three times as great as the national debt of the United States, the price of your independence, as it was funded at the commencement of the Federal Government. Sir, this is what commerce has done for you—what have you done for commerce?

In the year 1793, when Great Britain depredated upon your commerce, you had a man at the head of your Government who fought no battles with paper resolutions, nor attempted to wage war with commercial restrictions, although they were then pressed upon him. He caused it to be distinctly and with firmness made known to Great Britain, that if she did not both cease to violate our rights, and make us reparation for the wrongs we had sustained—that young and feeble as we then were, just in the gristle, and stepping from the cradle of infancy, we would try the tug of war with her. What was the consequence? Her depredations were stopped—we made a treaty with her, under which we enjoyed a high degree of prosperity. Our claims were fairly heard, equitably adjudged, and the awards were honorably and punctually paid to the sufferers. In this instance you did something for commerce.

Next came the war with Tripoli—the Barbary States preyed upon our commerce—you determined to resist, and despatched a small squadron to

the Mediterranean; this ought to have been considered as the germ of your future maritime greatness: the good conduct and bravery of that squadron, and the self-immolation of some of its officers, spread the renown of your naval prowess to all quarters of the civilized globe. What did you in this instance? At the moment when victory had perched upon your standard—when you might have exhibited the interesting spectacle of the infant Government of the United States holding in subjugation one of the Powers of Barbary, to whom all Europe had been subservient—at this moment, when conquest was completely within your grasp—civil agency stepped in—the laurel was torn from the brow of as gallant a chieftain as ever graced the plains of Palestine, and we ignominiously consented to pay a tribute, where we might have imposed one.

Then came the Louisiana convention; in which, after purchasing a disputed title to a Territory, and paying double what any other nation would have given for it, we were permitted by France to put our hands in our pockets and take out three millions of dollars more to pay to our own citizens their claims for property which she had plundered from them. How was this conducted? Much in the same sort of spirit in which it was begun. Those of the claimants who were on the spot, or who had efficient agents there, who well understood the avenue to the back stairs; who could delude others, and purchase for a song claims they were sure of having allowed; who could intrigue well, bribe well, and swear well, got fortunes; while the honest unsuspecting merchant, confiding in the correctness of his claim, and the integrity of his own conduct, got nothing; and, very probably, some of the latter may now be seen wandering as beggars through the streets of your populous cities, the pavement of which is made to echo, by the rattling of the chariot wheels of those who have defrauded them.

After this, you had the Berlin decree, the Orders in Council, the Milan decree, the Rambouillet decree, the depredations of Spain, the robberies even of the renegade black chief of St. Domingo, and the unprovoked and still continued plunder of Denmark, a nation of pirates from their origin. What cause of complaint has Denmark, or ever had Denmark, against us? Her most fond and speculative maritime pretensions we have willingly espoused, and yet she continues daily to capture and condemn our vessels and cargoes, and contemptuously tells us, that the Government of the United States is too wise to go to war for a few merchant ships. And this we bear from a people as inferior to the United States in all the attributes of national power or greatness, as I am inferior to Hercules. Yes, sir, commerce has been abandoned, else why prohibit your merchants from bringing the property, to a large amount, which they have fairly purchased and paid for, into the ports of our country, else why, by this exclusion, perform the double operation of adding to the resources of the enemy you are going to war with and impoverishing your own citizens.

Yes, sir, the gentleman from Maryland is right, but he has no especial reason of complaint; from his situation and standing, he should naturally have been the guardian and protector of commerce in this House; he should have raised his powerful voice in her favor; he should have opened his arms for her protection. He did raise his voice, but for merely her extinction, not for her encouragement; he did open his arms, but he gave her the clasp of death, not that of protection. The embargo, the enforcing act, the non-intercourse act, the non-importation act, and all that ill-omened brood of measures, number that gentleman among their patrons and supporters.

Yes, sir, commerce has been abandoned, "deserted in her utmost need, by those her former bounty fed." Yes, sir, she has been abandoned. She has been left as a wreck upon a strand, or as a derelict upon the waters of the ocean, to be burnt, sunk, or plundered, by any great or puny assailant who could man an oar, or load a swivel for her annoyance.

What was the leading object of the adoption of the Federal Constitution in the Northern parts of the Union? Most emphatically, it was for the protection of commerce. What was the situation of some branches of our commerce then? And what is it now? Look at the statement which was laid upon our tables about a fortnight past, and taken from the returns of the Treasury. What effect has it had upon our fisheries, which were so nobly and successfully contended for by the American Commissioners who settled the Treaty of 1783; which, for a time, suspended that Treaty; and which, both the duplicity and intrigue of France and the interest of England, strove to deprive us of—of our fisheries, which were then considered, and still ought to be considered, as a main sinew of our strength, and a nursery for our seamen?

In the year 1791, when we were just emerging from a chaos of confusion, the export of dried fish was of the value, as then estimated, of - - - - - \$1,200,000

In the year 1811, it had diminished nearly one-half, and was only - - - - - 757,000

The whale fishery, in oil and bone, in 1791, gave - - - - - 196,480

In 1811, it had fallen off nearly two-thirds, and was only - - - - - 78,000

This is the state of our fisheries, which apply to the Northern States, after twenty years operation of the Government.

Let us observe now the export of vegetable food, in which other parts of the Union are more deeply interested. It is worthy of attention, and I shall notice a series of years.

In 1791, the export of vegetable food amounted to - - - - - \$4,640,000

In 1803 - - - - - 14,080,000

In 1804 - - - - - 12,080,684

In 1805 - - - - - 11,752,000

In 1806 - - - - - 11,050,000

In 1807 - - - - - 14,432,000

In 1808, the unfortunate embargo year, which did not commence, however, until nearly three months of the custom-house year had elapsed - 2,550,000

In 1809 - - - - - 8,750,000

In 1810 - - - - - 10,750,000

In 1811, the last year, amid all our privations and embarrassments, it exceeded the export of any former year since the first settlement of the country, and amounted up to twice the export of the preceding year, to 20,391,000

And, the present year, the crops present a vastly more abundant harvest than the country ever before produced, with a glorious market to carry it to, not afforded, however, by France, for, of our vegetable export, she takes scarcely any; but a market furnished almost exclusively by Great Britain for her own supply, and that of the countries under her possession.

Now, if it has been shown that, if the Orders in Council were off to-morrow, you could get no new market for the great staple of the country, cotton; and it has been also shown, that the export of wheat, flour, and vegetable products, was never anything near so great as at present; let the farmers and planters of New York, Pennsylvania, Maryland, Virginia, and the Western States, tell what they are going to war for?

Look at the same statement for the situation of the export of our domestic manufactures:

In 1791, the exportation of domestic manufactures, amounted to - - - - - \$600,000

In 1811, notwithstanding the restrictions, to - - - - - 2,062,000

Having increased more than three times since seventeen hundred and ninety-one, and giving also to the manufacturers a larger export than in any former year, in addition to their having, in many articles, the entire supply of the home market; thus affording to the manufacturers a much greater degree of encouragement than they ever before experienced. Let the manufacturers of Philadelphia, and other parts of the Union, also tell, then, what are they going to war for? If this be the situation of our domestic manufactures, and if our agriculture is in a high state of prosperity, except for a few articles which a war would not improve the demand for, and commerce is abandoned, it must follow, if we go to war, we must, as has been stated, go to war for our honor.

Well, sir, this is a noble theme, perhaps, a boon worth contending for; it is the fruitful parent of many virtues; it is the germ of whatever adorns and sanctifies urbanity, courtesy, and confidence, in polished life. The honorable gentleman from Maryland, in the fervor of his imagination, possibly may think,

"It were an easy task,
To pluck bright honor from the pale-faced moon,
Or dive into the bottom of the deep,
Where fathom line ne'er sounded,
And fetch up drowned honor by the locks;
So he that brought her thence
Might, without co-rival, wear all her dignities."

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Sir, the feeling, if it exist, is creditable to him; but I can assure him, if this be a contest for honor, he will not alone "fetch up drowned honor by the locks," nor "without co-rival, wear all her dignities." In this contest, ten thousand gallant spirits will start with him in the race; ten thousand other gallant spirits will struggle with him for the goal.

Where the fugitive has been for the last twelve years, I know not; but whether she has been drinking salt and bitter tears in the fathomless caves of ocean, or wandering an outcast, deserted and forlorn, among the wilds beyond the Western mountains, it is equally our duty to welcome her return; we should consider it as the harbinger of better times—as the morning star of a new day—we should make it a jubilee for the nation. The tutelary genius of America should receive her with open arms; should endeavor to make her teach us, in the high-wrought language of one of our native bards, to attempt, once again,

"Amid our own stars,
To inscribe a nation's name."

And in a war for honor, in the words of the same poet, over whose tomb the cypress has recently been suspended, should make us remember, as regards more than one Power, that

"Base submission, inviting both indignity and plunder,
Like a worm, kills the oak that could have braved the thunder."

But, sir, it is more especially the part of honor to discriminate, to draw even nice distinctions—against whom, then, should commence this war of honor? Most unquestionably, in the first instance, against France. For, let me ask you, sir, without going far back, when General Turreau wrote his most insolent letter to the American Government, demanding an interdiction of the trade to St. Domingo, and you complied with it, where was your honor? When France undertook to deprive you of one of your most essential rights of sovereignty, and to declare war for you; to state that you were at war, and she would so consider you; and you remained quiet—where was your honor? When she told you that you were a nation without policy, without spirit, and without principle; that you were inferior to any assembly of the colony of Jamaica, and we still courted her—where was your honor? When she plunders, sinks, burns, and destroys, our vessels and cargoes; when she manacles and impresses our seamen, and marches them, like galley slaves, through her territories, and we only complain, that these are "the most distressing modes by which belligerents can exercise force in opposition to right"—where is our honor?

When we submit to that most infamous of all decrees—the Rambouillet decree, issued in May, 1810, to take place from March, 1809, by which a large amount of American property was seized, and never has been restored, under the pretence of balancing seizures in the United States which never existed—where is our honor?

When, after paying double the price which any other people would have given for a territory—

when we were convinced of the fairness of the title, and took possession of it—when we put our doings on our own statute book, and promulgated them to the world—when we had done this, and observe a frown lowering upon the brow of an apostate Bishop, a wanderer from his country and his God—and we shrunk from a possession which we still claim—where was our honor? This is the foulest stain on the annals of your history; and, if the title be a fair one, the whole military force of the United States, if necessary, should be put in requisition to wipe it away, and to possess and defend the country in question.

Sir, when Mr. Serrurier told us, in his letter of the 23d of July last, that His Majesty the Emperor of France, having an equal interest in all "of the States, desires that the relations of commerce should be common to all parts of the Federal territory"—when we were told this to our teeth, at the very moment, or shortly before, when the whole of New England, possessing half the seacoast, and nearly half the tonnage of the United States, was under the ban of his empire, under a bull of excommunication, and not permitted to ship to the value of a single cent of colonial produce to his empire, while permissions were given to New York, to Charleston, and, for aught I know, to Baltimore, and we made no reply, where was our honor?

Sir, I do not complain of the fact, but of the delusion with which we are perpetually shuffled; no, sir; on the contrary, so long as France pursues her present system of conduct toward us, I want no intercourse with her; would to God, so long as she thus treats us, there were a Chinese wall extending from the foundations of the great deep to the third Heavens, all round her empire, if such a one were necessary, to cut off all communication between her and us, until she is better disposed to do us justice.

Thus, sir, although France unquestionably should be the first object of attack, yet adhering to the Republican principle, that the will of the majority, legally expressed, must govern, and the nation will not go to war with France, but will engage in a war with Great Britain; I am ready to admit that, in a war for honor, you have cause enough for war against Great Britain.

I am no partisan of Britain in opposition to the interest or feelings of my own country. When one of her navy officers inflicted that most outrageous insult upon us—the attack upon the Chesapeake—there was not a man in the nation who would have been willing to have gone further in anything, cursing and boasting excepted, to avenge it, than myself. Nor did I ever contend for the sweeping, extended construction that was attempted to be given to her principle of blockade. Both these points are, however, now happily adjusted; an atonement has been made and accepted for the attack on the Chesapeake, which it would be the part of petulance and cowardice to repine at, inasmuch as it would be a reproach on our own pusillanimity, for having received what we ought not to have acceded to. And the principle of blockade has been so expli-

cited laid down in the recent correspondence of Mr. Foster, in conformity with the established recognised law of nations, as to make future cavil with regard to it impossible.

I derived no pleasure from the bitter sarcastic retorts of Mr. Canning—in my estimation much better adapted to the flippant petulance of the tea-table, than to the bureau of a statesman. Nor was I gratified by the diplomatic manœuvring and evasions of the Marquis of Wellesley in regard to the appointment of a Minister to the United States, and a revocation of the Orders in Council, which, in my opinion, are equally indefensible in point of principle, whether they are attempted to be supported on the ground of retaliation, or that of self-preservation.

I once thought Great Britain was contending for her existence; that dream has now completely passed away. And, how is it possible that a third and neutral party can make itself a fair object of retaliation for measures which it did not counsel, which it did not approve, which militate strongly with its interests, which it is and ever has been anxiously desirous to remove, which it has resisted by every means in its power which it thought expedient to use—and, of these means, the Government of the neutral party ought to be the sole judge; which it has endeavored to get rid of even at a great sacrifice! How is it possible that a neutral country, thus conducting, can make itself a fair object of retaliation for measures which it did not originate, which it could not prevent, and cannot control? The contrary doctrine may be contended for by the diplomatist in obedience to his instructions, by the statesman in conformity with what he considers the interest and the policy of his country; but that it should now be supported by any man of sober, unimpassioned mind, can, to my perceptions, be accounted for, only from the existence of a prejudice as gross as ignorance made drunk.

Thus, sir, to my view, the Orders in Council are wholly unjustifiable, let them be bottomed either on the principle of retaliation or of self-preservation; they might not be untenable, if they could rest, which they never could do, on a revocation, a *bona fide* virtual revocation of the French decrees; for every gazette from the seaboard furnishes damning evidence of their existence; and almost every arrival in our ports showers upon us proofs as thick as hail-stones in a Summer's storm. Among others, look at the ship General Eaton, taken when bound from London to Charleston, in ballast, exclusively American; the memorial establishing the facts has been presented to the Senate by the gentleman from New Hampshire, (Mr. CURTIS.) Look at the account of Captain Lefevre, who has just arrived at Norfolk, and whose vessel was burned at sea by a couple of French frigates that had sailed from France after the pretended abrogation of the French decrees, the captain of which told him he had orders to destroy all American vessels bound to or from a British port, but that if he captured a British vessel, a vessel of their open, acknowledged, inveterate enemy, he could give

her to Captain Lefevre. The frigates afterward did fall in with an English vessel, and the French captain humanely gave her to Captain Lefevre and his crew, who, by this means alone, reached the United States.

Look at the case of the brig Julian, carried into Norway and acquitted after the payment of costs, then again captured by a French privateer, and condemned for this, among other allegations: that if she were an American vessel, she was entitled to be respected by Denmark, and to be released without expense, and that the payment of these costs, without which the whole property had been sacrificed in the first instance, was evidence of her being British property!

Look at a case still more atrocious—the statement of which I hold in my hand, and which I have been requested to present to the Senate. Its authenticity cannot be questioned; it comes from a highly respectable merchant whom I personally well know, (John Parker, Esq.,) and is supported by the process verbal, which I also have, and other evidence of the facts contained in it. It is the case of the brig Catharine, Captain Ockington, and, by the memorial, it appears that this vessel sailed from Boston on the tenth April, 1810, with a cargo consisting of coffee, sugar, cocoa, dye-woods, and cotton, bound to Gottenburg, in Sweden, and from thence to any other port in the Baltic, which on her arrival at Gottenburg would appear to offer the most advantageous market. The vessel and cargo were exclusively owned by American citizens, and were furnished with every document required by our laws, or by the laws and usages of nations, including the most ample certificates from His Majesty the Emperor of France. On her passage to Gottenburg she was captured by a Danish privateer, and carried into Jahrsund, where, after a detention of ten months and five days, she was liberated, subject however to the payment of costs, on the ground that she was *bona fide* American property, and had not contravened either the law of nations or the modern law set up by the Government of France, and enforced under its influence and authority in other countries of the continent of Europe.

Thus liberated, after so long a detention, and at an expense of more than four thousand dollars, and thus furnished with the opinion of a vigilant court that she was liable to no suspicion, the vessel departed from Jahrsund, and proceeded to Gottenburg, her original port of destination, where finding her cargo unsaleable, she proceeded for St. Petersburg, first stopping at Elsinore to pay the Sound duties, in order to prevent any possible pretence, either that she availed herself of enemy's convoy, or that she had made any attempt to elude the laws of Denmark; and having there complied with all the regulations both of France and Denmark, and having also had the good fortune to escape being visited by British cruisers, the vessel sailed from Elsinore to St. Petersburg, when, on the 3d of May, 1811, she was captured by a French privateer, duly commissioned by the Emperor of France,

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and carried into Dantzic. On her arrival at that port, she was put under the control of the Consul of France, and all her papers were forcibly taken by the said Consul, and sent to Paris, in order that legal process might be there instituted against her.

In unloading the cargo, the most illegal conduct was adopted. Several of the crew were impressed for the service of His Imperial Majesty, and impediments were thrown in the way of the supercargo, by withholding his passports near two months, although he had applied for them to the American Chargé d'Affaires, to prevent his getting to Paris to defend the vessel and cargo. Thus situated, at a very early period the supercargo made known to Mr. Russell, the American Chargé d'Affaires at Paris, the circumstances of the capture, who applied to the French Minister of Foreign Affairs, and received assurances from him, that he had made a favorable report of the case to the Emperor. Notwithstanding this perfect knowledge of the case, and the favorable report of the French Minister, the Council of Prizes, on the 10th day of September last, without hearing any plea or defence on behalf of the owners of the vessel and cargo, proceeded to the condemnation of them both; in which, after reciting that the Catharine had been captured by the French armed ship the *Jenne Adolphe*, and that she had been libelled on the ground "that part of the cargo came from Spanish and Portuguese colonies, and that, moreover, it consisted of colonial articles, whose importation was prohibited by His Majesty's decrees;" that she had been captured by the Danes, and acquitted by the Danish courts, and that she had arrived at Gottenburg, in which port an English cutter was then lying, but which had not hailed the Catharine; after reciting that another vessel had hailed her on her passage, the officers of which had spoken the English language; that the captain, supercargo, and mariners, had all concurred in these facts; after reciting moreover a complete list of all the papers found on board the Catharine, which consisted of every document required by the law of nations, and the modern usages of France, all certified by the French Consul at Boston; the Council of Prizes proceeded to condemn both vessel and cargo, valued at eighty-five thousand dollars, on the following pretences, if even such they may be called: that "the said brig had anchored at Gottenburg, at which port there was an armed English packet boat, and that this was an indication or proof—the cargo consisting also mostly of articles of colonial produce—that the same was in the interest of the enemy's commerce; that there was no reason to believe that she entered the Baltic without convoy; and if she were not disturbed by the numerous vessels of the enemy, it was because she was an enemy's ship under an American mask;" and they then proceeded to condemn both vessel and cargo, and to decree that the capture was good and available. Thus, if an American vessel is cleared in a Danish court as being *bona fide* neutral property, but

subjected to the payment of costs, in a French court, the payment of these condemns her, because she ought to have been released without them.

If she has been met with going to, or coming from an English port, whether with a cargo or without, this is sufficient ground to capture or destroy her; if she has been spoken by a vessel from her own country in the English language, or has entered a port where an English vessel should be lying at anchor, which did not even pay her so much attention as to hail her, she is to be condemned; if no proof is given that she took convoy, it is alleged that no proof is furnished that she might not have taken it; if she is visited by a British ship she is condemned; and if she has not been visited, nor molested, she is condemned, because her not being so disturbed is evidence she was in the interest of the enemy's commerce! Nor has this been done by an inferior court, or by subordinate agents. The condemnation of the Catharine and cargo was decreed at Paris by the highest prize court on the 10th September, and was confirmed by the Emperor in person on the 14th, after a full knowledge of the circumstances, and after a favorable decision on the case had been promised by the French Minister of Foreign Affairs. Thus, sir, is situated our commerce as it respects France, and such is the evidence of the virtual actual repeal of her decrees.

Still, sir, if we are going to war with Great Britain, let it be a real, effectual, vigorous war. Give us a naval force. This is the sensitive chord you can touch, and which would have more effect on her than ten armies. Give us thirty swift-sailing, well-appointed frigates; they are better than seventy-fours; two thirty-six-gun frigates can be built and maintained for the same expense as one seventy-four, and for purposes of annoyance for which we want them, they are better than two seventy-fours; they are managed easier, ought to sail faster, and can be navigated in shoal water. We do not want seventy-fours; courage being equal, in line-of-battle ships, skill and experience will always insure success. We are not ripe for them; but butt-bolt the sides of an American to that of a British frigate, and though we should lose sometimes, we would win as often as we should lose. The whole history of the Revolutionary war, when we met at sea on equal terms, would bear testimony in favor of this opinion. Give us, then, this little fleet well appointed; place your Navy Department under an able and spirited Administration; give tone to the service. Let a sentiment like the following precede every letter of instruction to the captain of a ship of war—"Sir, the honor of the nation is in a degree attached to the flag of your vessel; remember, that it may be sunk without disgrace, but can never be struck without dishonor." Do this; cashier every officer who strikes his flag, and you will soon have a good account of your Navy. This may be said to be a hard tenure of service; but, hard or easy, sir, embark in an actual, vigorous war, and in a few weeks,

perhaps days, I would engage completely to officer your whole fleet from New England alone.

Give us this little fleet, and in a quarter part of the time you could operate upon her in any other way, we would bring her to terms with you—not to your feet. No, Sir. Great Britain is, at present, the most colossal power the world ever witnessed. Her dominion extends from the rising to the setting sun. Survey it for a moment. Commencing with the newly found continent of New Holland, as she proceeds she embraces under her protection, or in her possession, the Philippine Islands, Java, Sumatra; passes the coast of Malacca; rests for a short time fruitlessly to endeavor to number the countless millions of her subjects in Hindostan; winds into the sea of Arabia; skirts along the coasts of Coromandel and Ceylon; stops for a moment for refreshment at the Cape of Good Hope; visits her plantations of the Isles of France and Bourbon; sweeps along the whole of the Antilles; doubles Cape Horn to protect her whalers in the Northern and Southern Pacific oceans; crosses the American continent from Queen Charlotte's Sound to Hudson's Bay; glancing in the passage at her colonies of the Canadas, Nova Scotia, and New Brunswick; thence continues to Newfoundland, to look after and foster her fisheries, and then takes her departure for the United Kingdoms of England, Ireland, and Scotland, nor rests until she reaches the Orkneys—the *ultima thule* of the geography of the ancients. Such an overgrown commercial and colonial power as this never before existed. True, sir, she has an enormous national debt of 700 millions of pounds sterling, and a diurnal expenditure of a million of dollars, which, while we are whining about a want of resources, would, in six short weeks, wipe off the whole public debt of the United States.

Will these millstones sink her? Will they subject her to the power of France? No, sir; burst the bubble to-morrow; destroy the fragile basis on which her public credit stands, the single word *confidence*; sponge her national debt; revolutionize her Government; cut the throats of all her royal family, and dreadful as would be the process, she would rise with renovated vigor from the fall, and present to her enemy a more imposing, irresistible front than ever. No, sir; Great Britain cannot be subjugated by France; the genius of her institutions, the genuine gamecock, bull-dog spirit of her people, will lift her head above the waves long after the dynasty of Bonaparte—the ill-gotten power of France, collected by perfidy, plunder, and usurpation, like the unreal image of old, composed of clay, and of iron, and of brass, and of silver, and of gold, shall have crumbled into atoms.

From this belief I acknowledge I derive a sentiment of gratulation. In New England our blood is unmingled; we are the direct descendants of Englishmen; we are natives of the soil. In the Legislature of the respectable and once powerful State of Massachusetts now in session, composed of near seven hundred members, to my knowledge not a single foreigner holds a seat.

As Great Britain wrongs us I would fight her. Yet I should be worse than a barbarian did I not rejoice that the sepulchres of our forefathers, which are in that country, would remain unsacked, and their coffins rest undisturbed by the unhallowed rapacity of the Goths and Saracens of modern Europe.

How then, sir, will it be asked, are we to operate on a Power such as I have described? Let us have these thirty frigates; she cannot blockade them; our coasts are in our favor; the elements are in our favor; from November to the month of March, in the Northern States I mean, all the navies of all the world could not blockade them in our ports; with our inclement weather and northeast and southeast storms, and hazardous shores, and tempestuous northwest gales, which afford the best chances to go off the coast, enemy ships of war could not keep their stations. Divide these thirty frigates into six squadrons; place them in the northern ports ready for sea; and, at favorable moments, we would pounce upon her West India Islands, and repeat the game of De Grasse and D'Estaing in 1779 and 1780. By the time she was looking for us there, we would be round Cape Horn cutting up her whalers. When pursued there, we would skim away to the Indian ocean, and look after her China and India fleets, of whom we would give a far different account from that of Linois, the Frenchman. Occasionally we would look after her Quebec fleet, and her Jamaica fleet; sometimes we would do as the French privateers now do, make our appearance in the chops of the Channel, and now and then we might even wind north about, and look into the Baltic. We should sometimes meet with disasters, but we have abundant means to repair them. Well managed, it would require a hundred British frigates to watch the movements of these thirty.

These are the means, sir, by which I would bring Great Britain not to our feet, but to her senses. The Government of Great Britain is in some degree a popular one; two branches of her Government—the King and the Commons—are governed by the popular sentiment, and the hospital of incurables must always follow suit.—Touch the popular sentiment effectually, and you control the Commons; the Commons, by withholding the supplies and the civil list, control the King and obtain a change of Ministry and a change of measures. In this way you obtained the peace of 1783. Had it depended on the King and the Lords, you would not have had a peace until this time.

We can touch the popular sentiment. With the fleet I have mentioned we could harass greatly the commerce of Great Britain; we could bring her people to their senses; we could make them ask their Government for what object they continued thus to violate our rights? whether it was for the interest of Great Britain to throw us into the lap of her enemy? Whether it was for her interest to embitter us toward her still more? Whether it was for her interest to sever the principal lien of connexion between her and us, by

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obliging us to become a manufacturing people? And on this head we could make an exhibit that would astonish both friends and foes. Whether it was for her interest to force us to become prematurely a great maritime nation, destined, one day or other, to dispute with her the sceptre of the ocean? In short, I would make the people ask the Government *cui bono* in this war. And the moment this is effected on both sides the water, the war is terminated, the business is finished, and you have only to agree on fair and equal terms of peace.

Look at the expense and the effect of the measures you have adopted. You are to have a standing army of 35,000 men, 50,000 volunteers, and 100,000 of the militia. These you cannot get into actual service without the militia, at less expense than forty-five millions of dollars annually—the ways and means proposed being less is no evidence to the contrary—no experienced military man can estimate it at less. What are you to do with it? You overrun Canada without material difficulty, Quebec excepted; that Gibraltar of the American continent can only be taken by regular siege and investment; you must starve it out, but it will be provisioned for three years at least, and, before you get there, it will be fully garrisoned by experienced troops. Thus, then, to get Quebec you have got to summer and winter a siege in the face of an able and veteran garrison for three years, and in a climate where, during its long winters, the thermometer sometimes stands at thirty degrees below zero, and the sentinels freeze at their posts. Suppose it then falls, what do you then get? The gentleman from Virginia (Mr. GILES) has already told you: your enemy takes possession of New Orleans, New York, Newport, or some other prominent and important point—you then let one hand wash the other—make the exchange, and leave off just where you began, with a debt of \$130,000,000 and the country subjected to all the evils of war.

Instead of three years' expense of the land forces, take one year—call it \$45,000,000 instead of \$130,000,000—contrast this with the expense of a navy.

The existing naval force of the United States may be estimated as equal to ten stout frigates; twenty additional thirty-six gun frigates would cost, agreeably to the estimate of the Secretary of the Navy of November 19, 1811, \$162,000 each, equal for twenty new frigates,

to - - - - - \$3,420,000

Annual expense of thirty thirty-six-gun frigates, according to the same estimate, at \$102,000 annually, is - 3,060,000

Multiply this sum ten times for ten years' service, and it would give - 30,600,000

Add the first cost, in complete order, of twenty additional frigates now proposed to be built - - - - - 3,420,000

For the first years they would want but little comparative expense, but

add twelve per cent. per annum, to keep the whole number in repair for ten years, this would be - - - 5,932,000

Making - - - 89,820,000

Thus giving an efficient maritime force of 30 frigates in complete order for ten years, with a surplus left sufficient to replace every ship of this fleet, should every one of the thirty in that time be lost or destroyed by the enemy.

Give us, then a navy. The Senate have proceeded thus far with a unanimity and harmony highly honorable to them as men and as statesmen. This measure will be considered as the test of our sincerity. For one, if it be not acceded to, however reluctant it may be to my feelings, to divide at a moment like this, without an effectual defence being given us, I shall not consent to burden my constituents with

Annual loans to a large amount;
Additional twenty-five per cent. retention on drawbacks, thereby destroying the colonial trade, and crippling the Treasury instead of replenishing it;

New and heavy tonnage duties on our own vessels;

Duties on salt;
on licenses;
on auction sales, frequently the last refuge of the distressed;
on refined sugars;
on carriages, chaises, and wagons, for the carriage of persons;
on spirits—

Nor shall I, under such circumstances, by my vote, consent to impose on them stamp and direct taxes, *cum multis aliis*, that must follow—expenses that ought not to be gone into, except for the purpose of vigorously prosecuting a war in such a manner as to procure a speedy and favorable peace, the only rational object of war.

Peace is most unquestionably the polar star of the policy and the interest of the United States; it should be obtained at every cost short of an essential sacrifice; it is no disgrace for an infant not to contend with a giant; if we cannot carry on the war with all the energy, and the force, and power of the nation, let us record our wrongs, make the best of the existing state of things, and, when we have the ability, punish our aggressors to the last letter of the alphabet. Possibly this is the real policy of the United States; but, if we are to go to war, give us a navy; if you do not, and our commerce is abandoned, our navigation to be swept from the face of the ocean, our houses battered about our ears, and we are denied those means of defence which the God of nature has given us, and to which we are habituated, then, indeed, the Northern section of this Union will be little better situated than the colony of Jamaica; and, forms apart, there will be some cause to suspect that it has little more real voice or weight in the Councils of the Government than it has in the Parliament of Great Britain.

Give no cause, sir, for suspicions of this sort—

take off your restrictions—unmuzzle us—let us have peace or war. If we have war, let it commence with one cheering prospect, the prospect of unanimity. Give us this little fleet, and in twelve short months after it has been fairly launched upon the main, we will engage to render you a good account of it, we will be enabled proudly to show you, that

“Our march, too, shall be upon the mountain wave,
Our cannon shall re-echo o’er the deep.”

FRIDAY, February 28.

The bill for the relief of the representatives of Samuel Lapsley, deceased, was read the second time.

On motion, by Mr. GILES, Messrs. BRADLEY and GREGG were added to the committee to whom was referred the bill for the relief of Charles Minifie.

Mr. POPE, from the committee to whom was referred the bill, entitled “An act for the relief of the officers and soldiers who served in the late campaign on the Wabash,” reported it amended.

The Senate resumed, as in Committee of the Whole, the bill, entitled “An act for the benefit of Christopher Miller;” and the words nine hundred and sixty having been struck out of the bill, the President reported it to the House accordingly.

On the question, Shall this bill be read a third time? it was determined in the negative.

Mr. GILES, from the committee to whom was referred the petition of Larkin Smith, collector of the district of Norfolk and Portsmouth, in Virginia, reported a bill for the relief of the collectors of the ports of Baltimore and of Norfolk and Portsmouth; and the bill was read, and passed to the second reading.

Mr. LLOYD, from the committee to whom was referred the bill, entitled “An act authorizing a loan for a sum not exceeding eleven millions of dollars,” reported it amended.

Mr. WORTHINGTON, from the committee to whom was referred the bill, entitled “An act giving further time for registering claims to land in the western district of the Territory of Orleans,” reported it without amendment.

On motion, by Mr. SMITH, of Maryland, the further consideration of the bill, entitled “An act concerning the Naval Establishment,” was postponed to, and made the order of the day for, Monday next.

MONDAY, March 2.

The bill for the relief of the collectors of the ports of Baltimore and of Norfolk and Portsmouth, was read the second time.

The Senate resumed the consideration of the motion made by Mr. REED, on the 21st January, as amended.

On motion, by Mr. ANDERSON, that it be referred to a select committee, further to consider and report thereon, it was determined in the negative—yeas 12, nays 14, as follows:

YEAS—Messrs. Anderson, Bradley, Campbell, of

Tennessee, Condit, Crawford, Franklin, Gregg, Howell, Robinson, Tait, Turner, and Varnum.

NAYS—Messrs. Bayard, Campbell, of Ohio, Cutts, Gaillard, German, Giles, Goodrich, Hunter, Lambert, Leib, Lloyd, Reed, Smith of Maryland, and Worthington.

On motion, by Mr. LLOYD, the motion was further amended, so as to read as follows:

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement, so far as the same may be practicable, exhibiting the number of ships and vessels, and the amount of tonnage, and the several kinds and amount of merchandise, being of the growth, produce, or manufacture of the United States, or territories thereof, and of colonial produce, exported from thence to any port or place in France, subsequent to the period at which the repeal of the Berlin and Milan decrees was to have taken place; stating distinctly the duties payable in the ports of France on each article, before and since that period.

On the question to agree to the motion, as amended, it was determined in the affirmative—yeas 17, nays 12, as follows:

YEAS—Messrs. Bayard, Bradley, Brent, Campbell of Ohio, Crawford, Cutts, German, Giles, Goodrich, Gregg, Hunter, Lambert, Leib, Lloyd, Pope, Reed, and Smith of Maryland.

NAYS—Messrs. Anderson, Campbell of Tennessee, Condit, Franklin, Gaillard, Howell, Robinson, Smith of New York, Tait, Turner, Varnum, and Worthington.

Mr. LLOYD, from the committee to whom was referred the petition of Mary Nicholson, reported “that, in their opinion, it is inexpedient to make provision for individual cases of the description of that of the petitioner;” and the report was agreed to.

On motion, by Mr. TAIT, the further consideration of the bill was postponed to, and made the order of the day for, to-morrow.

Mr. BRENT presented the petition of Robert Young and others, inhabitants of the town of Alexandria, in the District of Columbia, praying a charter for a bank, under the title of the “Mechanics’ Bank of Alexandria,” for reasons therein stated; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. BRENT, CAMPBELL, of Tennessee, and TAYLOR, were appointed the committee.

Mr. LLOYD presented the memorial of John Parker, of Boston, merchant, in behalf of himself and the owners of the brigantine called the Catharine, and her cargo; stating that the said brigantine, whilst proceeding on her lawful voyage to St. Petersburg, was, on the 3d of May, 1811, captured by a French privateer, and carried into Dantzic and condemned, and praying indemnification, for reasons stated at large in the memorial; which was read, and ordered to be printed for the use of the Senate.

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The Senate resumed the consideration of the bill, entitled “An act concerning the Naval Establishment.”

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Mr. CRAWFORD regretted that his ill health and want of strength would not permit him thoroughly to investigate all of the important subjects which have been incidentally introduced in the course of this discussion. The proposition to build twenty frigates has no intimate connexion with several of those subjects, which might with great propriety have been kept entirely out of view; but, as they have been introduced, he would not decline their discussion. Such had been the state of his health, from the time that this proposition had been submitted to the consideration of the Senate, that he had not until this morning determined to participate in the discussion. The observation of the honorable gentleman from Kentucky had made it unnecessary to reply to many of the statements and remarks of the honorable gentlemen from Massachusetts and Virginia (Mr. LLOYD and Mr. GILES.) The latter gentleman complains of a change which he says has taken place, in the character of the discussions of this House, which is highly detrimental to the freedom of debate. He complains that the motives instead of the arguments of the speaker have become the subject of investigation. If this complaint is founded in fact, it is greatly to be lamented; but it may be proper to inquire whether it is not the necessary result of another change in the character of our discussions introduced by those who make the complaint. If, instead of presenting for the consideration of the Senate a train of reasoning calculated to elucidate the proposition under consideration, the speaker should substitute the history of his political life, opinions, and motives, he ought not to complain, if his proffered substitute should be accepted and discussed by his opponents.

The same gentleman has taken a review of past measures, which are very remotely, if in any degree, connected with the proposition before the Senate. Such a review as will enable us to avoid the errors into which we may have fallen, from precipitancy or from the want of sufficient information of the subjects upon which we have been compelled to legislate, may be highly useful. But if this review should be conducted simply with the design of proving that the reviewer has always been right, and those opposed to him always wrong, it is impossible to discover any benefit which can result from it. It may indeed be highly gratifying to the speaker, but it cannot excite any pleasurable sensation in the bosoms of those who are charged with being uniformly wrong. A procedure of this kind is calculated to irritate and to produce the effect of which that honorable gentleman has so seriously complained. It is natural for every man to believe that his opinions are right, and that those who differ with him are wrong. The difference between the gentleman from Virginia and other men consists not in thought but in words. Every man believes that he is right, but every man does not upon all occasions undertake to prove that he has always been right.

The same gentleman has given us the history of proceedings at several unofficial meetings of the

members of Congress during the Winter of 1809, which in his opinion influenced the conduct of that body upon several important questions. Mr. C. said he had not attended any of those meetings, and had never felt himself under any obligation to conform to their determination. It was impossible for him to discover any assignable relation between the history of those inofficial meetings, and the proposition to build twenty frigates. Nor had he been able to discover, that the history of the embargo, and the agency of particular individuals in procuring its repeal, had any tendency to elucidate that proposition. Upon this subject he would only say, that the gentleman must be mistaken, in the inference which he had drawn, from the vote of the House of Representatives on the 5th day of January, 1809, by which Mr. CHITTENDEN's resolution for repealing the embargo was ordered to lie on the table. This vote is offered by that gentleman as unquestionable evidence, that a majority of that body had, as early as that day, determined to repeal the embargo. If the honorable gentleman from Virginia will take the trouble of examining the whole of the Journal of the House of Representatives of that day, a part of which it appears he has examined, he will find that the inference which he has drawn from that vote is contradicted by a solemn decision of that House. In page two hundred and twenty-seven he will find an amendment offered to the act for enforcing the embargo, in the words following:

"SEC. 14. *And be it further enacted*, That this act, and the act entitled an act, laying an embargo on all ships and vessels in the ports and harbors of the United States, and all laws supplementary thereto, be, and they are hereby repealed, from and after the fourth day of March next."

The question was decided by yeas and nays—yeas 35, nays 81. The House of Representatives, instead of furnishing evidence of their determination to repeal the embargo as early as the fifth day of January as the gentleman has supposed, gave the most unequivocal evidence of their determination neither to repeal it then, or two months afterwards. Mr. C. said he was neither qualified or disposed to decide between the gentleman from Virginia and the gentleman from Tennessee, touching the agency of the former in producing the repeal of the embargo. That gentleman had ascribed its repeal to the late President of the United States—because he had declined taking into the public service fifteen hundred seamen. By the estimate for the present year it appears that six thousand nine hundred and sixty-two seamen will man the whole of our public vessels, including twenty-two gunboats. The seafaring men in the United States may be estimated from sixty to one hundred thousand, and yet by employing fifteen hundred, which, together with those then in service, might amount to five thousand, the gentleman from Virginia would have insured the execution of the embargo, by creating a scarcity of sailors to navigate the vessels destined for its violation.

But the public vessels called into service by the

employment of these fifteen hundred seamen would have executed the embargo! An embargo is a municipal regulation and can only be executed efficiently upon land. The great mass of violations was committed by vessels which cleared out for ports in the United States, but which sailed to foreign ports. In sailing from port to port it is impossible to sail in a direct line, and it would have been equally impossible to have framed instructions which would have enabled your naval officers to have executed the embargo, if they had had the physical power. But a part of the public vessels were in service, and were employed in the execution of that measure, and yet the gentleman from Virginia has not been able to show that any essential service has been rendered by them. Upon this view of the subject Mr. C. said he had voted against the employment of an additional number of seamen in 1809, and believing that the proposition now advocated by that gentleman was calculated to diminish and not to increase the means of annoying Great Britain on the ocean he should vote against it. In the year 1809, as well as upon the present question, he certainly believed he was right, and he had no doubt that the gentleman from Virginia then thought, and now thinks, that he is right.

The honorable gentleman from Massachusetts (Mr. LLOYD) thinks that nothing has been done by the Government for commerce, whilst commerce has done everything for the nation; that commerce has paid into the public Treasury \$200,000,000. If it is contended that this sum has been paid exclusively by commerce, nothing can be more incorrect. The money collected from imposts and duties is paid by the consumer of merchandise upon which the duties are imposed. It is collected immediately from the merchant, and ultimately from the nation. The only money paid into the Treasury which can justly be placed to the exclusive credit of commerce, is the sum retained by the Government upon debentures, which is only 7-10ths of one per cent. upon goods paying a duty of twenty per cent. ad valorem, and has never amounted to \$400,000 in any one year. The export of foreign productions from the United States in the year 1807, exceeded \$59,000,000, and the sum paid into the Treasury that year on account of drawbacks was about \$390,000, which is the greatest amount received from that source of revenue since the organization of the Government.

The duty upon tonnage, like the duty imposed on merchandise, is paid by the consumer or grower of the cargoes transported by the ship-holders, of whom this duty is immediately collected. The ultimate payment of this duty by the grower or consumer will depend upon the relative demand for, and supply of the articles in the market to which they are exported. If the demand for the article is greater than the quantity in the market, it is paid by the consumer; if the supply exceeds the demand, it is paid by the grower, in the form of a reduction of the price of the article equal to the duty imposed.

It is a subject of lasting regret that local feel-

ings and local interests should have been so strongly excited in the discussion of this question. The gentleman from New York (Mr. GERMAN) has asserted that the people of the Southern and Western States are decidedly hostile to commerce, and that their opposition to the proposition to build an additional number of frigates is the result of that hostility. It is highly important to investigate the truth of this assertion. Its refutation, if untrue, is imperiously demanded. That every well informed community understands its immediate interest, and is disposed to foster those measures which are calculated to promote that interest, are propositions which cannot be denied. The greatest amount of domestic articles exported from the United States in one year has been about \$49,000,000. The single article of cotton has constituted about \$14,000,000 of that amount, and that article is cultivated only in the three Southern States, the State of Tennessee, and the two Southern Territories. A considerable portion of North Carolina and Tennessee does not cultivate cotton for exportation, but those States export a considerable amount of other articles,* the precise amount of which cannot be ascertained, but there can be no danger of contradiction in hazarding the assertion that the same number of people in any other part of the Union do not furnish the same amount of domestic articles for exportation. Without commerce, the annual sum of \$14,000,000 in the article of cotton alone, estimated at a fair price, would be lost to that part of the inhabitants of the Southern States which is employed in the cultivation of cotton.

Who are the most interested in commerce, the growers of the articles, the exchange and transportation of which constitutes commerce, or the factors and freighters employed in the exchange and transportation of those articles? Can any man doubt for one moment that the growers, the rightful owners of the articles to be exchanged, are more deeply interested in commerce than the merchant and ship-holder, who only make a profit from the sale and transportation of the articles exchanged? If the profit they derive from commerce should be so enormous as to exceed the original value of those articles in the hands of the growers, still, it can be demonstrated that the interest of the latter is more vitally affected by a prosperous or adverse state of commerce, than that of the merchant or ship-holder. The merchant will be regulated in the price which he gives to the grower by the state of the market and the price of transportation to the market. Let the price be what it may in foreign markets, the merchant is regulated by it, and can only be affected by sudden changes in those markets which may be prejudicial or advantageous to him. It is a matter of small moment to him

* There can be no doubt that the surplus productions of those States amount to one-third of the domestic exports of the United States, and their representation is less than one-fifth of that of the United States.

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whether the articles in which he deals bring a high or low price in the market to which they are sent, if that price is not variable, because he will regulate the price he gives for them by the price which he can obtain. But the price which those articles will bring in the market to which they are sent, is all important to the grower, because it will regulate the price which he is to receive for them beyond the power of his control. Every circumstance which tends to destroy competition and reduce the number of markets to which our produce is sent, vitally affects the interest of the grower. The planter, the farmer, is, therefore, more deeply interested in the prosperity of that commerce which finds a market for the annual surplus productions of his industry, than the merchant or ship-holder. This direct commerce is indispensable to the internal growth and improvement of the country, and to the comfort and happiness of the people, and, more so to the people of the Southern and Western States than any other part of the United States. Sir, we are not so grossly ignorant as to mistake our interest in this matter. We know that, without commerce, without a market for the surplus productions of our labor, we should be deprived of many of those articles which long habit has made necessary to our ease and comfort. If, then, we are not grossly ignorant of our true interest, nothing can be more unfounded than the accusation of the gentleman from New York (Mr. GERMAN.) The charge must be the result of ignorance or prejudice. Mr. C. said he would not follow the example of that gentleman by saying, "perhaps this prejudice might be an honest prejudice." No, he would not insult the feelings of that gentleman; he would not question his veracity or integrity by stating hypothetically, "that perhaps his opinions were honest." Whilst he repelled this unfounded charge in the manner which its nature imperiously demanded, he had no hesitation in admitting that the opinions of that gentleman, whether the result of prejudice or of ignorance, were strictly honest. Mr. C. said there was no man in the nation more friendly to that commerce which he had described than he was, and that no part of the nation cherished it with more ardor than that which he in part had the honor to represent on this floor. But, sir, there is a commerce which has been prosecuted to a very great extent by the commercial capitalists of the United States, for the prosperity of which the agricultural part of the nation do not feel the same solicitude.

In the year 1807, the United States exported upwards of \$59,000,000 of foreign productions. This commerce has no connexion with or dependence upon the annual surplus productions of the country, which is the only commerce that essentially promotes domestic industry and multiplies the domestic comforts of the great mass of the people. This commerce, which is the legitimate offspring of war, and expires with the first dawning of peace, is prosecuted principally by our commercial cities to the east and north of the Potomac. The landholders, the country peo-

ple, the great mass of agriculturists in the United States, never had, and never can have any direct interest it. The farmer of the Eastern and Middle States, and the planter of the Southern and Western States, stand in the same relation to this commerce. Whether it be prosperous or adverse, is a matter of small concern to them, and nothing but an effort of pure, disinterested patriotism could induce them to jeopardize the peace and happiness of the nation, and stake the prosperity of the direct commerce of the country, for the protection of this mushroom commerce. This trade, which was carried on chiefly in the productions of the French and Spanish colonies, was almost eradicated in 1805 by the decisions of the British Court of Admiralty, which established the principle that neutrals should prosecute no trade in time of war which they did not enjoy in peace. This decision did not affect the direct commerce of the nation. That commerce in which the agriculturist, the farmer, and the planter, has so deep an interest, was prosecuted as successfully as though this decision had never been made. But an acquiescence in this principle of the British Government, asserted and promulgated through its Courts of Admiralty, would have been an abandonment of the colonial carrying trade, which had been so extensively prosecuted by our commercial cities during the present European war. As a neutral nation, we had a right to prosecute this trade, however deeply it might affect the interest of either of the belligerent nations. That the extensive prosecution of this trade deeply affected the interest of Great Britain cannot be denied. It impoverished her West India planters, and cherished and promoted the prosperity of those of France and Spain, with whom she was at war. The merchants of the United States, under our system of drawbacks, were enabled to undersell the British merchants in foreign markets. The productions of the French and Spanish West Indies, through our agency, found a profitable market, to the almost total exclusion of those of Great Britain. It appears by a report made to the British House of Commons several years ago, that the best managed estate in Jamaica did not yield more than seven per cent., and that the average produce of estates in that island did not exceed three-and-a-half per cent. The committee which made this report to the House of Commons, ascribe the unproductiveness of the West India estates to the commerce which the American merchants carried on in the productions of their enemies' colonies, to the total exclusion of the productions of the British West India islands from the markets of the continent of Europe. Among the remedies proposed for that evil by the committee is, the exclusion of the American merchants, not simply from this commerce, but from all commerce with their enemies' colonies, even for home consumption. Against the decision made by their Courts of Admiralty in 1805, which was intended to give the British merchants the exclusive right of vending West India productions in the Continental markets, the American merchants in the principal commercial cit-

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ies most solemnly protested, and presented memorials to Congress, in which they represented the direful effects it was calculated to produce. They stated that their warehouses were full of West India productions, which must perish on their hands unless the British Government could be induced to abandon this principle: they proposed a special mission, and pledged themselves to support any measure the Government should adopt for vindication of this right, so essential to their interest. A special mission was sent. Shortly after this event the Berlin decree was promulgated, and the British Ministry seized upon it as a pretext, not simply to enforce the principle established in their Courts of Admiralty, that neutrals should prosecute no trade in war which they did not enjoy in peace; but that neutrals should not trade with any port or place from which their vessels were excluded, unless they should first enter a British port and pay tribute, under the denomination of transit duties. Thus, by contending for the right of trade in the productions of the belligerent colonies; by insisting to be the carriers of France and Spain and their colonies, when they were unable to carry for themselves, we have jeopardized the general commerce of the nation—we have sacrificed that commerce which is essential to the internal growth and improvement of the country, and to the comfort and happiness of the people. And yet, sir, we are told that we have done nothing for commerce; that we have ruined commerce; nay, sir, we are upbraided by the gentleman from New York, (Mr. GERMAN,) with having intended to ruin it, and that the people of the Southern and Western States are radically hostile to the prosperity of commerce. If, sir, we would take the trouble of examining this subject rationally, the charge of hostility to commerce would never be reiterated against the Southern and Western States. There is no possible point of collision between those States and Great Britain. What is the summit of our wishes in relation to commerce? A good market for the surplus productions of our labor. What nation furnishes us with the most extensive and suitable market for this surplus? Great Britain. From whom do we receive the supply of articles which habit has made necessary to our comfort? From Great Britain. The benefits resulting from the intercourse between the United States, and especially the Southern and Western States, and that nation, when conducted upon just and liberal principles, are strictly reciprocal.

Where is the point of collision between the Southern and Western States and Great Britain? None. That point is to be found alone in the Eastern and Middle States. The principle that neutrals should enjoy no trade in war not permitted in peace, did not affect the Southern and Western States; it almost exclusively affected the commercial cities to the north and east of the Potomac. The principle gave way to, or rather was merged in the Orders in Council of November, 1807, which alike destroyed the direct commerce of the country, and the colonial carry-

ing trade, with the whole world, except to Great Britain and the few ports then open to her vessels. These orders were the result of the pressure made upon her Councils by the merchants trading to the West Indies, and the inhabitants of those islands; or they were the result of a mean and sordid jealousy of the commercial prosperity of the United States. If they were the result of the first cause assigned, the contest now about to be waged will be undertaken wholly on account of the commercial part of the nation; because the agriculturist, in whatever part of the United States he may reside, whether in the Eastern and Middle or Southern and Western States, has no interest in the colonial carrying trade. If the second cause assigned should be the true one, we have only to ascertain which of the States are principally agricultural, and which are principally commercial, to determine upon whose account the intended war is to be prosecuted. The contest then which we are about to commence, as already stated, is the result of the colonial carrying trade, or it is the result of the commercial jealousy of Great Britain; it is, therefore, a contest rendered necessary by the injustice of Great Britain, to which injustice she has been excited by the pursuits and interests of the commercial cities in the Middle and Eastern States, and not by those of the Southern and Western States. If this contest is now given up—dishonorably abandoned—the disgrace of that abandonment, and the total exclusion from the colonial carrying trade consequent thereon, must rest upon the Eastern gentlemen. Let them consider of it; let them abandon it at their peril. Once abandoned by those exclusively interested in it, we shall not again be lightly induced to jeopardize the direct commerce of the nation, by engaging in a contest where we have everything to lose, and nothing to gain—a contest to which, under such circumstances, we shall be impelled neither by interest or honor, and in the prosecution of which we shall have just reason to apprehend the defection of those for whose benefit it would be undertaken.

The honorable gentleman from Massachusetts (Mr. LLOYD) has presented for the consideration of the Senate, a comparative statement of the land and naval force necessary for the prosecution of a war with Great Britain. The statements and arguments of that gentleman are entitled to great weight, but there is just reason to doubt the correctness of his calculations in the present case. He has supposed that the regular force and volunteers, making together eighty-five thousand, will cost the nation annually \$45,000,000. It is believed that this estimate must be incorrect, because the estimate for ten thousand men for the present year is less than \$3,000,000. Admitting, then, that eighty-five thousand men will be kept in service the whole year, the expense, according to this estimate, will not exceed \$26,000,000; and there is strong reason to confide in their accuracy, because it is believed the estimates of this department have never been deficient. But it is not expected, or believed,

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that any large proportion of the volunteers will be called into service at any one time, or remain long in service when called upon. It is, therefore, not probable that the land service will cost the nation more than \$15,000,000, because the regular force, if kept in service the whole year, will not require an expenditure of more than \$11,000,000, and it is believed that the volunteers and militia who may be called into service will not cost the nation more than \$4,000,000. The calculations of the honorable gentleman from Massachusetts (Mr. LLOYD,) relative to the Navy, are liable to objections of a different nature. He estimates the present naval force of the United States as equal to ten stout frigates, and the expense of building twenty frigates of thirty-six guns at \$3,420,000. The annual expense of thirty frigates he estimates at \$3,060,000. The estimates of the War Department are not relied upon by the honorable gentleman, notwithstanding the history of that department entitles them to the fullest credit, while the estimates of the Navy Department are implicitly received by him, notwithstanding the history of that department, from its organization to the present day, proves conclusively that they cannot be safely relied on. That the estimates of that department, upon which the honorable gentleman has founded his calculations, are not entitled to implicit faith, can be clearly demonstrated. The vessels in service in the year 1808 carried one hundred and sixty-two guns, and cost the nation \$1,056,872, which is at the rate of \$6,520 per gun. At this rate of expense, thirty frigates of thirty-six guns would cost the nation annually \$7,041,880. In 1809, we had three hundred and fifty-four guns in service, which cost \$2,816,129, which is \$7,736 per gun. At this rate of expense the thirty frigates would annually cost \$8,354,880. In 1812, the estimates are for three hundred and fifty-six guns, and the expense is estimated at \$2,504,669, which is \$7,035 per gun. At this rate of expense the thirty frigates would cost annually \$7,597,800. The estimates of these years have been resorted to because they were the only estimates which were at my lodgings. The average annual expense of a gun during these three years has been \$7,130, and the annual expense of the thirty frigates would accordingly be \$7,700,400, instead of \$3,060,000, as estimated by the honorable gentleman from Massachusetts, (Mr. LLOYD.) That gentleman estimates the annual cost of repairs at 12 per cent., and the whole expense of thirty frigates for ten years, including the original cost of building twenty new ones, at \$39,852,000. The thirty frigates, according to the average expense of three years of peace, actually incurred, will cost the nation in ten years \$77,004,000, to which add the cost of the twenty* new frigates, and twelve per cent. annually on that sum, and on the cost of those now in service estimated at half that amount, and you

will have the aggregate sum of \$86,580,000, instead of the sum of \$39,852,000 as estimated by that gentleman.

But there is just reason to believe that the estimates now presented are under, rather than over the truth. The estimates of that department have frequently been deficient, and extraordinary appropriations have several times been made to supply those deficiencies. The allowance for repairs, it is believed, will be found to be wholly insufficient in time of peace, and much more so in war. In December, 1809, the head of that department stated that the vessels then in service had been so thoroughly repaired, that in the opinion of practical men they were greatly superior to what they were when first launched, and that in consequence thereof, \$150,000 would be sufficient to keep them in repair for one year. At the end of the year, however, it appeared \$410,000 had been expended in repairs, notwithstanding their great superiority to new vessels.

Mr. President: The estimates which have been taken as the basis of my calculation, can be demonstrated to be less than what they must be in time of war. In the year 1809, \$175,000 were transferred from the article of provisions to those of repairs, freight, and other contingent expenses, when the whole amount of the appropriations for provisions was only \$567,000. In the year 1810, \$150,000 were transferred from provisions to repairs, when the whole sum appropriated for that object was \$353,610, and \$110,000 were transferred from the pay to the repair of vessels also, when the appropriation for that object was \$718,115. These facts prove beyond the possibility of doubt, that the number of men authorized to be employed were neither fed or paid, and consequently were not employed. But in time of war, the full complement of men must be employed, and the article of repairs, which in time of peace has so greatly exceeded the estimates, must in time of war, if they perform any service, be swelled to an amount vastly beyond that estimated by the honorable gentleman from Massachusetts, (Mr. L.) The expense of a navy of thirty frigates, according to the actual expense of that department already incurred, cannot be safely estimated at less than \$10,000,000 annually.

The honorable gentleman thinks that a naval force of thirty frigates employed in the destruction of the enemy's commerce would make her calculate—would bring her to terms. Mr. C. said if he could believe this he most certainly would vote for the proposition; but believing that every seaman employed in the public vessels would be a diminution of that force by which the enemy was to be most vitally assailed, he was constrained to vote against it. The honorable gentleman from Kentucky has said, if thirty frigates can bring Great Britain to terms, why has not the Emperor of France brought her to terms, as he is able to send out one hundred of such frigates. If the gentleman from Massachusetts (Mr. L.) is right, Bonaparte possesses the means, and no man doubts that he cherishes the disposition, to annoy his enemy so as to bring

* \$3,420,000.

† \$1,710,000, making \$5,130,000, twelve per cent. for ten years is \$6,156,000, making together \$9,576,000, and added to \$77,004,000 is \$86,580,000.

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her to terms. But he has failed in all of his attempts, and would no doubt fail were he to make this.

The use proposed to be made of these frigates, if built, certainly meets my approbation. The idea of protecting our commerce by a naval force, which has been pressed with so much vehemence by some of our navy gentlemen, is worse than visionary. A navy can injure commerce, but cannot afford it protection, unless it annihilates the naval force of the adverse nation. Unless, therefore, we have the means of creating and supporting a naval force able to contend successfully with the British navy for the empire of the seas, we must abandon all idea of protecting our commerce against that nation. Great Britain, with her thousand ships of war, is unable to protect her commerce even in sight of her own coasts. According to my understanding of the views of the honorable gentlemen, these thirty frigates are to be employed in destroying the commerce of the enemy, and not in fighting her public armed vessels. They are in fact to be national privateers. In this point of view, the proposition to cashier the officer who should strike the American flag seems to be at war with the nature of their employment. They are to direct their efforts to the destruction of merchant vessels, and to avoid collision with the ships of war. It is to be apprehended that men, whose duty it is to avoid serious conflicts with the enemy, will grow timid from habit, and will resist but feebly when inevitably forced into them. The character of the naval officers of the United States makes a regulation of this kind wholly unnecessary. Their enterprise, their courage, and intrepidity, are too well established to require a regulation of such severity. As then the gentleman does not intend to dispute the sovereignty even of our own seas with our expected enemy with this naval force, but intends to employ it in the destruction of merchant vessels, an increase of that force appears to me to be wholly unnecessary and impolitic. Individual enterprise, directed by individual interest, will more effectually destroy the commerce of the enemy, than any number of frigates in the power of this Government to build and employ. The *Baltimore Federal Republican* states that a French privateer in the Atlantic ocean has captured about thirty merchant vessels, and that the impression made by this single privateer was so serious that thirteen vessels, several of which were frigates, were employed in cruising for her. The truth of this statement may be relied on, because that paper is not in the habit of exaggerating French successes, or of aggravating British sufferings. But it is said, that although our privateers were successful at the commencement of the Revolutionary War, before the conclusion of that contest they were entirely destroyed. Admitting the fact to be true, it does not necessarily follow that such will be the result of the war now in contemplation. After the first years of that contest, the British forces were in possession of the principal ports and harbors of the United

States, which made it extremely hazardous for our privateers to approach our own coasts, or enter our own harbors. It is expected that our situation will be very different in the event of war at this time. Instead of possessing the principal ports of the United States we expect to expel them from the whole of their continental possessions in our neighborhood. If this should be the result of the war, their means of annoying our commerce, and of destroying our privateers, will be greatly diminished, and their power of protecting their commerce from the depredations of our privateers will suffer an equal diminution.

Mr. C. said that his friend from Kentucky, in the discussion of this question, had taken a view of the taxes which were intended to be imposed in the event of war. Every measure of additional expense at the present time involves, at least in contemplation, the idea of additional taxes; but he should have been glad if this incidental view of that subject had been omitted by his honorable friend, who, notwithstanding his objections, intends to vote for such of those taxes as the exigencies of the nation shall require. Some of his observations appeared calculated to make an unfavorable impression upon the public mind, against internal taxation; although he was convinced that the honorable gentleman did not intend them to have that effect. If we engage in war, these taxes will be necessary, and it will be a subject of deep regret if they should be rendered more objectionable by the observations of those who feel the necessity of imposing them. The direct and internal taxes imposed during Mr. Adams's administration were certainly unpopular. But, Mr. C. said, he had always understood that they were so, because they were believed to be unnecessary, and because they were imposed in the most objectionable form. The measures of expense adopted by that Administration made those taxes necessary; but it was believed that the expensive measures then adopted were not required by the actual state of affairs. The nation disapproved of the object, for the attainment of which those expensive measures were adopted, and consequently were opposed to the additional taxes which were imposed at that time.

If war is now thought to be necessary by the nation, we ought not to doubt for a moment that the people will willingly furnish the means necessary for its vigorous and successful prosecution. If there is not a sufficiency of good sense and patriotism in the nation to submit to the impositions necessary for the successful execution of those measures which have been adopted pursuant to their wishes, and for the protection of their rights, then indeed our rights and liberty are but empty names—the idea of our free and happy Government, an idle phantom! Whenever the fact shall be demonstrated, the preservation of our Constitution, and the integrity of the Union, will not be worth a struggle. But, until it is demonstrated, its possibility ought not to be admitted, and will not be admitted by the National Legislature.

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TUESDAY, March 3.

Mr. CRAWFORD, from the committee to whom was referred the bill, entitled "An act for the relief of the Board of Commissioners west of Pearl river," reported it without amendment.

Mr. LLOYD stated that he had received, and asked leave to submit to the Senate, a resolution of the Legislature of the Commonwealth of Massachusetts, approved by his Excellency, the Governor, stating the perfect ability and disposition of the government of that Commonwealth to make the most prompt provisions for the immediate supply of such blankets and clothing as the General Government may wish to contract with the citizens of the Commonwealth for, sufficient to meet any contingency which may occur, and to request information of any other articles which are or may be wanted for supplying the Indians, as there can be no doubt of the ability of the Commonwealth to supply, by contract, any such articles, mostly, if not altogether, from their own manufactories; and the resolution was read.

Mr. TAYLOR, from the committee to whom was referred the bill, entitled "An act making a further appropriation for the defence of our maritime frontier," reported it amended.

On motion, by Mr. LEIB, the further consideration of the bill authorizing a subscription for the Laws of the United States, was postponed to the first Monday in April next.

The bill to incorporate Moses Austin, John Rice Jones, Henry Austin, and others, into a company, by the name of the Louisiana Lead Company, was resumed; and, after debate, on motion by Mr. LLOYD, the bill was referred to a select committee, to consist of five members, further to consider and report thereon; and Messrs. BRADLEY, LLOYD, GREGG, CUTTS, and LEIB, were appointed the committee.

Mr. SMITH, of Maryland, submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be laid before this House such information as he may possess relative to captures made by the belligerents since the 23d day of June, 1811, of vessels of the United States bound to or from the Baltic, or within that sea; particularizing the nation of the captors, the cause assigned for detention, the names of the vessels, masters, and owners, and the port to which the vessels so detained belonged.

Mr. CAMPBELL, of Tennessee, from the committee to whom was referred the bill, entitled "An act to alter the time of holding the circuit court of the United States at Knoxville, in the district of East Tennessee, in the State of Tennessee," reported it amended.

The Senate resumed, as in Committee of the Whole, the consideration of the bill supplementary to the act, entitled "An act to regulate the collection of duties on imports and tonnage," together with the amendment reported thereto by the select committee.

On motion, by Mr. BAYARD, the further consideration of this bill was postponed until the first Monday in December next.

The third reading of the bill in addition to the 12th Con. 1st Sess.—6

act, entitled "An act supplementary to the act, entitled 'An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes,'" was resumed; and, after debate, on motion by Mr. TAYLOR, the bill was recommended to a select committee, to consist of five members, further to consider and report thereon; and Messrs. TAYLOR, CRAWFORD, LLOYD, REED, and SMITH, of Maryland, were appointed the committee.

The bill, entitled "An act supplementary to 'An act providing for the accommodation of the General Post Office and Patent Office, and for other purposes,'" was read the third time, and passed.

Mr. POPE communicated a resolution of the Legislature of the State of Kentucky, recommending an improvement of the militia system of the United States; also, a resolution requesting their Senators and Representatives in Congress to endeavor to procure the establishment of certain roads or highways therein mentioned, under the authority of the General Government; and the resolutions were read.

The Senate resumed, as in Committee of the Whole, the bill concerning the Naval Establishment; and it was agreed that the further consideration thereof be postponed until to-morrow.

WEDNESDAY, March 4.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to alter the time of holding the circuit courts of the United States at Knoxville, in the district of East Tennessee, in the State of Tennessee," together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time, as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act giving further time for registering claims to land in the western district of the Territory of Orleans;" and it was ordered to a third reading.

The Senate resumed the consideration of the motion made yesterday by Mr. SMITH, of Maryland, and the motion was amended and agreed to, as follows:

Resolved, That the President of the United States be requested to cause to be laid before this House such information as he may possess relative to captures made by the belligerents since the 1st day of May, 1811, of vessels of the United States, bound to or from the Baltic, or within that sea; particularizing the nation of the captors, the cause assigned for detention, the names of the vessels, masters, and owners, and the port to which the vessels so detained belonged.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making a further appropriation for the defence of our maritime frontier," together with

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the amendment reported thereto by the select committee; and, having agreed to the amendment, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of the Board of Commissioners west of Pearl river;" and it was ordered to a third reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

At the request of the Convention assembled in the Territory of Orleans on the 22d day of November last, I transmit to Congress the proceedings of that body, in pursuance of the act, entitled "An act to enable the people of the Territory of Orleans to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States, and for other purposes."

JAMES MADISON.

MARCH 3, 1812.

The Message and documents therein referred to were read, and ordered to be printed for the use of the Senate.

Mr. BRADLEY, from the committee appointed on the subject, reported a bill to authorize the President of the United States to ascertain and designate certain boundaries; and the bill was read, and passed to a second reading.

THURSDAY, March 5.

On motion, by Mr. LLOYD, the memorial of John Parker, of Boston, presented the 2d instant, together with the accompanying papers, was referred to the Secretary for the Department of State, to consider and report thereon.

The bill to authorize the President of the United States to ascertain and designate certain boundaries, was read the second time.

The bill, entitled "An act for the relief of the Board of Commissioners west of Pearl river," was read the third time, and passed.

The bill, entitled "An act giving further time for registering claims to land in the western district of the Territory of Orleans," was read the third time, and passed.

Mr. GILMAN, from the committee, reported the amendments to the bill, entitled "An act to alter the time of holding the circuit courts of the United States at Knoxville, in the district of East Tennessee, in the State of Tennessee," correctly engrossed, and the bill was read the third time, as amended, and passed.

Mr. GILMAN, from the committee, also reported the amendment to the bill, entitled "An act making a further appropriation for the defence of our maritime frontier," correctly engrossed, and the bill was read the third time, as amended, and passed.

Mr. ANDERSON, from the committee appointed

on the subject, reported a bill for improving the navigation of the river Potomac, opposite the city of Washington; and the bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act concerning the Naval Establishment," together with the amendments.

After debate, the Senate adjourned.

FRIDAY, March 6.

The bill for improving the navigation of the river Potomac was read the second time.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of the officers and soldiers who served in the late campaign on the Wabash," together with the amendments reported thereto by the select committee; and, after debate, on motion by Mr. POPE, the bill was recommitted to a select committee, further to consider and report thereon; and Messrs. POPE, GREGG, and SMITH, of Maryland, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act concerning the Naval Establishment;" and, on the question to add a new section to the bill, proposed by Mr. LLOYD, in the following words:

"And be it further enacted, That the President of the United States be, and he hereby is, authorized and empowered, as speedily as may be, to cause to be built, on the most approved model, — frigates, of a rate not exceeding thirty-six guns each, and that a sum not exceeding — dollars be, and the same is hereby, appropriated for building the said frigates, out of any moneys in the Treasury not otherwise appropriated."

It was determined in the negative—yeas 13, nays 19, as follows:

YEAS—Messrs. Bayard, Bibb, Brent, Dana, German, Giles, Gilman, Goodrich, Howell, Hunter, Lloyd, Reed, and Smith, of Maryland.

NAYS—Messrs. Anderson, Bradley, Campbell, of Ohio, Campbell, of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Gregg, Lambert, Leib, Pope, Robinson, Smith of New York, Tait, Taylor, Turner, and Varnum.

The bill was further amended by reducing the appropriations for repairs from four hundred and eighty thousand to three hundred thousand dollars, and confining its application to the repair of the frigates Chesapeake, Constellation, and Adams. The timber, to be annually purchased for three years, is to be such as is "suitable for rebuilding the frigates Philadelphia, General Greene, New York, and Boston."

A new section was also added, requiring the advice and consent of the Senate to all nominations to the office of purser in the Navy, and precluding any one from acting in that capacity after a certain time who shall not have been thus first nominated and appointed; they are also to give bond, in an amount not yet fixed, for the faithful performance of the duties of purser, &c.

The bill was, as amended, ordered to a third reading.

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A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act supplementary to 'An act to raise an additional military force,' in which they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

MONDAY, March 9.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

I lay before Congress copies of certain documents which remain in the Department of State. They prove that, at a recent period, whilst the United States, notwithstanding the wrongs sustained by them, ceased not to observe the laws of peace and neutrality towards Great Britain, and in the midst of amicable professions and negotiations on the part of the British Government, through its public Minister here, a secret agent of that Government was employed in certain States, more especially at the seat of Government in Massachusetts, in fomenting disaffection to the constituted authorities of the nation, and in intrigues with the disaffected, for the purpose of bringing about resistance to the laws, and eventually, in concert with a British force, of destroying the Union, and forming the eastern part thereof into a political connexion with Great Britain.

In addition to the effect which the discovery of such a procedure ought to have on the public councils, it will not fail to render more dear to the hearts of all good citizens that happy Union of these States, which, under Divine Providence, is the garranty of their liberties, their safety, their tranquillity, and their prosperity.

JAMES MADISON.

MARCH 9, 1812.

The Message and documents therein referred to were read, and one thousand copies of the Message and documents ordered to be printed for the use of the Senate; and on motion of Mr. CAMPBELL, of Tennessee, a committee was appointed to examine the documents above referred to, and designate such as may be necessary to be printed.

Messrs. CAMPBELL, of Tennessee, BRENT, and BAYARD, were appointed the committee.

Mr. LLOYD submitted the following motion for consideration:

Resolved, That the Secretary of State be directed to lay before the Senate the names of any and all persons in the United States, and especially in the State of Massachusetts, who have in any way or manner whatever entered into, or most remotely countenanced, the project or the views, for the execution or attainment of which John Henry was, in the year 1809, employed by Sir James Craig, then Governor General of the British provinces in North America, and which have this day been communicated to the Senate of the United States.

Mr. GILMAN, from the committee, reported the amendments to the bill, entitled "An act concerning the Naval Establishment," correctly engrossed; and the bill was read the third time as amended, and the blanks were filled.

On motion, by Mr. BIBB, to recommit the bill

for further amendment, it was determined in the negative.

On motion, by Mr. BRADLEY, the bill was amended, by unanimous consent, and passed with amendments.

Mr. GILES, from the committee to whom was referred so much of the Message of the President of the United States, of the 5th of November, as concerns the relations between the United States and France and Great Britain, further reported, in part, a bill to provide for the designating, surveying, and granting, the military bounty lands; and the bill was passed to a second reading.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act authorizing a loan for a sum not exceeding eleven millions of dollars," together with the amendment, reported thereto by the select committee; and, having agreed to the amendment, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The bill entitled "An act supplementary to 'An act to raise an additional military force,'" was read the second time, and referred to a select committee to consider and report thereon; and Messrs. CAMPBELL of Ohio, CRAWFORD, and LEIB, were appointed the committee.

TUESDAY, March 10.

The PRESIDENT communicated a report of the Secretary of the Treasury, made in conformity with the resolution of the Senate of the 2d instant, in relation to the exports to France, &c.; and the report was read.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act for the relief of Arthur St. Clair," a bill, entitled "An act for the relief of Thomas Wilson;" a bill, entitled "An act for the relief of Thomas Orr," and a bill, entitled "An act providing for the removal of causes depending in the respective district courts of the United States, in the case of the disability of the judges thereof;" in which bills they request the concurrence of the Senate.

The Senate resumed the consideration of the motion made yesterday, by Mr. LLOYD; and, on motion, by Mr. GILES, the motion was amended, and agreed to as follows:

Resolved, That the President of the United States be requested to cause to be laid before the Senate any information which may be in his possession, and which, in his judgment, may be communicated without injury to the public interests, respecting the names of any and all persons in the United States who have, in any way or manner whatever, entered into, or most remotely countenanced, the project or the views, for the execution or attainment of which John Henry was, in the year 1809, employed by Sir James Craig, then Governor General of the British provinces in North America, and which have this day been communicated to the Senate of the United States.

The yeas and nays having been required on the resolution by one-fifth of the Senators present, those who voted in the affirmative, are,

Messrs. Bayard, Bradley, Campbell of Ohio, Campbell of Tennessee, Cutts, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Pope, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, and Varnum.

Those who voted in the negative, are,

Messrs. Anderson, Bibb, Brent, Condit, Crawford, Franklin, Gaillard, Robinson, and Worthington.

Mr. GILMAN, from the committee, reported the amendment to the bill, entitled "An act authorizing a loan for a sum not exceeding eleven millions of dollars," correctly engrossed; and the bill was read the third time as amended, and passed with an amendment.

WEDNESDAY, March 11.

The four bills brought up yesterday for concurrence were read, and passed to the second reading.

Mr. GAILLARD presented the petition of Nathaniel Russell and others, of Charleston, South Carolina, praying the remission of interest on certain custom-house bonds, for reasons therein stated at large; and the petition was read, and referred to the Secretary of the Treasury to consider and report thereon.

On motion, by Mr. BAYARD,

Resolved, That the Message of the President of the United States, of the 3d instant, together with the result of the proceedings of the convention assembled in the Territory of Orleans on the 22d of November last, therewith transmitted, be referred to a select committee, to consist of five members, to consider and report thereon by bill, or otherwise.

MESSRS. BAYARD, CRAWFORD, BIBB, LLOYD, and CAMPBELL, of Tennessee, were appointed the committee.

The bill to provide for the designating, surveying, and granting the military bounty lands, was read the second time.

Mr. CAMPBELL, of Ohio, from the committee to whom was referred the bill, entitled "An act supplementary to 'An act to raise an additional military force,'" reported it amended.

THURSDAY, March 12.

The PRESIDENT communicated a report of the Secretary for the Department of Treasury, with a statement of the emoluments of the officers employed in the collection of the customs for the year 1811; which were read.

Mr. HORSEY, from the committee to whom was referred the bill, entitled "An act to incorporate the trustees of the Georgetown Lancaster School Society," reported it without amendment.

The bill, entitled "An act for the relief of Arthur St. Clair," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. CRAWFORD, BAYARD, and BRADLEY, were appointed the committee.

The bill, entitled "An act for the relief of Thomas Wilson," was read the second time, and referred to the committee last appointed, to consider and report thereon.

The bill, entitled "An act for the relief of Thomas Orr," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. WORTHINGTON, HORSEY, and CONDIT, were appointed the committee.

The bill, entitled "An act providing for the removal of causes depending in the respective district courts of the United States, in case of the disability of the judges thereof," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. CRAWFORD, BAYARD, and CAMPBELL, of Tennessee, were appointed the committee.

Mr. BRADLEY, from the committee to whom was recommended the bill to incorporate Moses Austin, John Rice Jones, Henry Austin, and others, into a company, by the name of the Louisiana Lead Company, reported it amended.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act supplementary to the act to raise an additional military force," together with the amendments reported thereto by the select committee; and having agreed to the amendment, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

FRIDAY, March 13.

Mr. WORTHINGTON presented the memorial of Eligius Fromentin and Allan B. Magruder, delegates from the Convention of the Territory of Orleans, praying a law may pass, giving further time for the entry of land claims in the eastern district of the Territory of Orleans, for reasons therein stated at large; and the memorial was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. WORTHINGTON, CONDIT, and CRAWFORD, were appointed the committee.

Mr. GILES submitted the following motion for consideration:

Resolved, That a committee be appointed to revise and amend the act, entitled "An act for dividing the Indiana Territory into two separate governments," approved the 3d of February, 1809; and that the committee have leave to report by bill or otherwise.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making further provision for the sale of public lands; and, after debate, Mr. SMITH, of Maryland, moved that the further consideration of this bill be postponed to the first Monday in December next; and it was agreed that this motion for postponement be the order of the day for Monday next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act repealing the tenth section of the act to incorporate the subscribers to the Bank of the United States;" also, a bill, en-

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titled "An act giving further time to the purchasers of public lands northwest of the river Ohio to complete their payments;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 10th instant.

JAMES MADISON.

DEPARTMENT OF STATE, *March 12, 1812.*

The Secretary of State, to whom was referred the resolution of the Senate of the 10th instant, has the honor to report, that this department is not in possession of any names of persons in the United States, who have, in any way or manner whatever, entered into or countenanced the project or the views, for the execution or attainment of which, John Henry was, in the year 1809, employed by Sir James Craig; the said John Henry having named no persons or person as being concerned in the said project or views referred to in the documents laid before Congress on the 9th instant. Which is respectfully submitted.

JAMES MONROE.

The Message and report were read, and one thousand copies thereof ordered to be printed for the use of the Senate.

Mr. BRENT, from the committee to whom the subject was referred, reported a bill to incorporate a bank in the town of Alexandria, by the name and style of the Mechanics' Bank of Alexandria; and the bill was read, and passed to the second reading.

On motion, by Mr. BRENT, the Message of the President of the United States of the 9th instant, together with the accompanying documents, also the Message and report of the 12th instant, was referred to the committee to whom was referred, on the 8th of November last, so much of the Message of the President of the United States as concerns the relations between the United States and France and Great Britain, to consider and report thereon.

Mr. LLOYD, from the committee to whom was referred the bill to alter the times of holding the circuit courts of the first circuit, reported it amended.

Mr. ANDERSON presented the petition of Richard Mitchell, of the county of Hawkins, in the State of Tennessee, praying remission of certain judgments obtained against him by the United States, in the circuit court at Knoxville, in the State of Tennessee, for reasons therein stated at large; and the petition was read.

The Senate resumed, as in Committee of the Whole, the bill to authorize the President of the United States to ascertain and designate certain boundaries; and, after debate, the further consideration thereof was postponed.

Mr. BIBB, from the committee, reported the amendments to the bill, entitled "An act supplementary to an act to raise an additional military force," correctly engrossed; and the bill was read the third time, and passed with amendments.

MONDAY, March 16.

The bill, entitled "An act repealing the 10th section of the act to incorporate the subscribers to the Bank of the United States," was read the second time.

The bill, entitled "An act giving further time to the purchasers of public land northwest of the river Ohio to complete their payments," was read the second time.

The Senate resumed the consideration of the motion made the 14th inst. on the subject; and,

Resolved, That a committee be appointed to revise and amend the act, entitled "An act for dividing the Indiana Territory into two separate governments," approved the 3d day of February, 1809; and that the committee have leave to report by bill or otherwise.

Messrs. GILES, BAYARD, and POPE, were appointed the committee.

The bill to incorporate a bank in the town of Alexandria, by the name and style of the Mechanics' Bank of Alexandria, was read the second time.

The Senate resumed the consideration of the motion to postpone the bill making further provision for the sale of public lands to the first Monday in December next: and on motion, by Mr. SMITH of Maryland, it was agreed that the further consideration thereof be postponed to, and be made the order of the day for, Wednesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to alter the times of holding the circuit courts of the first circuit, together with the amendments reported thereto by the select committee; and having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

I lay before Congress a letter from the Envoy Extraordinary and Minister Plenipotentiary of Great Britain to the Secretary of State.

JAMES MADISON.

MARCH 13, 1812.

The Message and letter therein referred to were read, and ordered to be printed for the use of the Senate; and, on motion, by Mr. GREGG, they were referred to the committee to whom was referred, the 13th instant, the Message of the President of the United States, of the 9th, together with the accompanying documents, also the Message and report of the 12th instant, in relation to the same subject, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to incorporate the trustees of the Georgetown Lancaster School Society," and it was ordered to a third reading.

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Mr. GREGG, from the committee to whom was referred the joint resolution respecting the arts and manufactures of the United States, reported an amendment; and the amendment having been considered and agreed to as in Committee of the Whole, the President reported the resolution to the House accordingly.

On the question, Shall this resolution be read a third time as amended? it was determined in the affirmative.

On motion, by Mr. ANDERSON, it was agreed that the consideration of the bill for improving the navigation of the river Potomac be made the order of the day for to-morrow.

The Senate resumed, as in Committee of the Whole, the bill to carry into effect an act of the Legislature of the State of Maryland; and the bill was ordered to be engrossed and read a third time.

Mr. CRAWFORD, from the committee to whom was referred the bill, entitled "An act providing for the removal of causes depending in the respective district courts of the United States, in case of the disability of the judges thereof," reported it with amendments.

A message from the House of Representatives informed the Senate that the House agree to the two first of the amendments proposed by the Senate to the bill, entitled "An act concerning the Naval Establishment," and disagree to the remainder of said amendments. They have passed a bill, entitled "An act to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States;" also, a bill, entitled "An act relinquishing to the Corporation of the city of New Orleans the use and possession of a lot in the said city; in which bills they ask the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

Mr. BAYARD, from the committee appointed on the subject, reported a bill for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said State; and the bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the bill to incorporate Moses Austin, John Rice Jones, Henry Austin, and others, into a company, by the name of the Louisiana Lead Company, together with the amendments reported thereto by the select committee; and having agreed to sundry amendments, the further consideration thereof was postponed until to-morrow.

TUESDAY, March 17.

The bill, entitled "An act to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," was read the second time, and referred to a select committee, to consist of five members, to consider and report there-

on; and Messrs. CRAWFORD, ANDERSON, FRANKLIN, GREGG, and TAYLOR, were appointed the committee.

The bill, entitled "An act relinquishing to the Corporation of the city of New Orleans the use and possession of a lot in the said city," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. GREGG, CONDIT, and CAMPBELL of Tennessee, were appointed the committee.

Mr. WORTHINGTON, from the committee to whom was referred the bill, entitled "An act for the relief of Thomas Orr," reported it without amendment.

Mr. SMITH, of Maryland, submitted the following motion for consideration:

Resolved, That the Secretary of the Treasury be directed to lay before this House a view of all the appropriations made by the several acts passed during the present session, and to include therewith the interest payable on the Louisiana debt, and the amount payable during the present year, (under the act making provision for the redemption of the whole of the public debt of the United States,) for the interest and reimbursement of the domestic debt of the United States; and, also, a statement of the balance remaining in the Treasury of the United States on the 31st of December last, and of the balances unexpended on the same day in the hands of the Treasurer of the War and Navy Departments.

The Senate proceeded to consider the amendments disagreed to by the House of Representatives to the bill, entitled "An act concerning the Naval Establishment;" and, on motion, by Mr. GILES,

Resolved, That they insist on their amendments disagreed to, and ask a conference on the disagreeing votes of the two Houses.

Ordered, That Messrs. GILES, LLOYD, and CRAWFORD, be the managers at the said conference on the part of the Senate.

Mr. GILMAN, from the committee, reported the amendment to the joint resolution respecting the arts and manufactures of the United States, correctly engrossed; and the resolution was read the third time as amended, and passed with an amendment.

Mr. GILMAN, from the committee, reported the bill to carry into effect an act of the Legislature of the State of Maryland, correctly engrossed; and the bill was read the third time, and passed.

Mr. GILMAN, from the committee, also reported the bill to alter the times of holding the circuit courts of the first circuit correctly engrossed; and the bill was read the third time as amended, and passed.

The bill, entitled "An act to incorporate the Trustees of the Georgetown Lancaster School Society," was read the third time, and passed.

The Senate resumed, as in Committee of the Whole, the bill for improving the navigation of the river Potomac; and a motion was made, by Mr. ANDERSON, to amend the bill; and, on his motion, it was agreed that the further consideration thereof be postponed to, and be made the order of the day for, Friday next.

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The bill for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said State, was read the second time.

On motion, by Mr. ANDERSON, the bill for the relief of Thomas and William Streshly was re-committed to a select committee, further to consider and report thereon; and the petition of Richard Mitchill, presented the 13th instant, was referred to the same committee, to consider and report thereon by bill or otherwise.

Messrs. ANDERSON, BIBB, and LEIB, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act repealing the tenth section of the act to incorporate the subscribers to the Bank of the United States."

Ordered, That it pass to a third reading.

On motion, it was agreed that the consideration of the bill for the relief of the representatives of Samuel Lapsley, deceased, be made the order of the day for to-morrow.

On motion, by Mr. WORTHINGTON, it was agreed that the bill, entitled "An act giving further time to the purchasers of the public land northwest of the river Ohio, to complete their payments," be postponed to, and be made the order of the day for, Monday next.

WEDNESDAY, March 18.

On motion, by Mr. CRAWFORD, the Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act providing for the removal of causes depending in the respective district courts of the United States, in case of the disability of the judges thereof," together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

Mr. BIBB, from the committee, reported the amendments to the bill last mentioned correctly engrossed; and, on motion, by Mr. CRAWFORD, the bill was read the third time as amended, by unanimous consent.

Resolved, That this bill pass with amendments, and that the title thereof be "An act providing for the trial of all causes pending in the respective district courts of the United States, in case of the absence or disability of the judges thereof."

Mr. BRADLEY gave notice that, to-morrow, he should ask leave to bring in a bill to carry into effect the provisions of the eighth section of the act regulating grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to incorporate Moses Austin, John Rice Jones, Henry Austin, and others, into a company, by the name of the Louisiana Lead Company; and the bill hav-

ing been further amended, the President reported it to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

The Senate resumed the bill making further provision for the sale of the public lands.

On motion, by Mr. CAMPBELL, of Ohio, it was agreed that the further consideration thereof be postponed to, and made the order of the day for, Monday next.

A message from the House of Representatives informed the Senate that the House insist on their disagreement to the amendments of the Senate to the bill, entitled "An act concerning the Naval Establishment." They agree to the conference proposed on the subject, and have appointed managers on their part. They have passed the bill sent from the Senate, entitled "An act to establish the quartermaster's department, and for other purposes," with amendments; in which they request the concurrence of the Senate.

The Senate resumed, as in Committee of the Whole, the bill for the relief of the representatives of Samuel Lapsley, deceased.

On motion, by Mr. BRADLEY, to amend the bill by adding an additional section, in the following words:

"*And be it further enacted*, That the accounting officers of the Treasury be, and they are hereby, directed to adjust and settle a final settlement certificate, No. 46,473, for fifty-eight dollars and eighty-nine ninetieths, and interest from the first day of January, 1783, issued in the name of Joseph Young, by John Pierce, commissioner of army accounts for the United States, on the first day of March, 1784; and that the amount due on said certificate be paid to the said Joseph Young, or bearer, out of any moneys in the Treasury, not otherwise appropriated: *Provided*, That said certificate shall be lodged with the Register of the Treasurer, and cancelled prior to the payment thereof."

And the motion was determined in the negative—yeas 6, nays 22, as follows:

YEAS—Messrs. Bradley, German, Hunter, Robinson, Taylor, and Worthington.

NAYS—Messrs. Anderson, Bayard, Bibb, Campbell of Ohio, Campbell of Tennessee, Condit, Cutts, Franklin, Gaillard, Giles, Gilman, Goodrich, Howell, Lambert, Leib, Lloyd, Pope, Smith of Maryland, Smith of New York, Tait, Turner, and Varnum.

On the question, Shall this bill be engrossed and read a third time? it was determined in the negative—yeas 14, nays 15, as follows:

YEAS—Messrs. Anderson, Bibb, Campbell of Ohio, Campbell of Tennessee, Dana, Giles, Goodrich, Hunter, Leib, Lloyd, Pope, Smith of Maryland, Tait, and Worthington.

NAYS—Messrs. Bayard, Bradley, Condit, Cutts, Franklin, Gaillard, German, Gregg, Howell, Lambert, Robinson, Smith of New York, Taylor, Turner, and Varnum.

The Senate resumed, as in Committee of the Whole, the bill to provide for the designating, surveying, and granting, the military bounty

lands; and, on motion by Mr. BRADLEY, the further consideration thereof, was postponed until Tuesday next.

The bill, entitled "An act repealing the tenth section of the act to incorporate the subscribers to the Bank of the United States," was read the third time, and passed.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Thomas Orr;" and the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the collectors of the ports of Baltimore and of Norfolk and Portsmouth; and, on the question, Shall this bill be engrossed, and read a third time? it was determined in the negative.

THURSDAY, March 19.

The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act to establish a quartermaster's department, and for other purposes."

On motion by Mr. SMITH, of Maryland, they were referred to a select committee, to consider and report thereon; and Messrs. SMITH, of Maryland, CRAWFORD, and VARNUM, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said State.

On the question, Shall this bill be engrossed, and read a third time? it was determined in the affirmative.

Mr. GILMAN, from the committee, reported the bill to incorporate Moses Austin, John Rice Jones, Henry Austin, and others, into a company, by the name of the Louisiana Lead Company, correctly engrossed.

On motion by Mr. LLOYD, the bill was recommitted to a select committee, further to consider and report thereon; and Messrs. LLOYD, BRADLEY, and GREGG, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Thomas Orr;" and the bill having been amended, the President reported it to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the negative.

On motion, by Mr. BRENT, it was agreed that the bill to incorporate a bank in the town of Alexandria, by the name and style of the Mechanics' Bank of Alexandria, be made the order of the day for Tuesday next.

Mr. BRADLEY asked and obtained leave to bring in a bill to carry into effect the provisions of the eighth section of the act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee; and the bill was read, and passed to the second reading.

FRIDAY, March 20.

Mr. SMITH, of Maryland, from the committee to whom was referred the amendments of the House of Representatives to the bill, entitled "An act to establish a quartermaster's department, and for other purposes," made report. Whereupon,

Resolved, That the Senate disagree to all the amendments of the House of Representatives to the said bill, and insist on their disagreement, and ask a conference on the subject-matter thereof.

Messrs. SMITH, of Maryland, BAYARD, and CRAWFORD, were appointed the managers at the said conference on the part of the Senate.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said State;" in which bill they request the concurrence of the Senate.

The bill was twice read, by unanimous consent, and referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. BAYARD, CRAWFORD, LLOYD, BIRR, and CAMPBELL, of Tennessee, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for improving the navigation of the river Potomac; and, after debate, on motion of Mr. BRADLEY, the bill was recommitted to a select committee, to consist of five members, further to consider and report thereon; and Messrs. GOODRICH, BAYARD, BRADLEY, BRENT, and GILES, were appointed the committee.

Mr. GILMAN, from the committee, reported the bill for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said State, correctly engrossed; and, on motion by Mr. BAYARD, it was recommitted to the committee to whom was referred, this day, the bill brought up from the House of Representatives for concurrence, on the same subject, further to consider and report thereon.

Mr. GILES, from the managers on the part of the Senate on the bill, entitled "An act concerning the Naval Establishment," made report.

A message from the House of Representatives informed the Senate that the House concur in the first and third, and disagree to the second amendment to the bill, entitled "An act providing for the trial of all causes pending in the respective district courts of the United States in case of the absence or disability of the judges thereof."

On motion, by Mr. CRAWFORD, the Senate decided from their second amendment to the said bill.

Mr. LLOYD, from the committee to whom was recommitted the bill to incorporate Moses Austin, John Rice Jones, Henry Austin, and others, into a company, by the name of the Louisiana Lead Company, reported it amended.

Mr. WORTHINGTON, from the committee to whom was referred the representation of the delegates from Orleans Territory, reported a bill giv-

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ing further time for registering claims to land in the eastern district of the Territory of Orleans, and the bill was read, and passed to the second reading.

MONDAY, March 23.

The VICE PRESIDENT being indisposed, the Senate adjourned.

TUESDAY, March 24.

In the absence of the VICE PRESIDENT, on motion of Mr. LLOYD, the Senate proceeded to the choice of a President *pro tempore*, as the Constitution provides, and WILLIAM H. CRAWFORD was elected.

Mr. POPE, from the committee to whom was recommitted the bill, entitled "An act for the relief of the officers and soldiers who served in the late campaign on the Wabash," reported it amended.

The PRESIDENT communicated a report of the Secretary of the Treasury on the petition of Nathaniel Russell, and others, of Charleston, South Carolina, referred to him on the 11th instant, and the report was read, and ordered to be printed for the use of the Senate.

A message from the House of Representatives informed the Senate that the House insist on their amendments disagreed to by the Senate, to the bill, entitled "An act to establish a quartermaster's department, and for other purposes." They agree to the conference proposed on the subject, and have appointed managers on their part. They have passed a bill, entitled "An act making provision for certain persons claiming lands under the several acts for the relief of the refugees from the British provinces of Canada and Nova Scotia;" in which bill they request the concurrence of the Senate.

The bill last brought up for concurrence was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the bill to incorporate a bank in the town of Alexandria, by the name and style of the Mechanics' Bank of Alexandria; and, on motion by Mr. BRENT, it was recommitted to a select committee, further to consider and report thereon; and Messrs. BRENT, CAMPBELL, of Tennessee, and TAYLOR, were appointed the committee.

On motion, by Mr. BAYARD, the petitions of the inhabitants of that part of Louisiana called Feliciana, lying between the Pearl and Mississippi rivers, upon the subject of annexation to the State of Louisiana, was referred to the committee to whom was referred the bill for the admission of the State of Louisiana into the Union, to consider and report thereon by bill or otherwise.

Mr. SMITH of Maryland, from the managers at the conference on the part of the Senate on the bill, entitled "An act establishing a quartermaster's department, and for other purposes," made report.

On motion, by Mr. GILES, the Senate resumed the consideration of the report of the managers

at the conference on their part on the bill, entitled "An act concerning the Naval Establishment."

Whereupon, *Resolved*, That they so far recede from their amendments as to agree to the report of the managers, and that the bill be so modified.

The bill to carry into effect the provisions of the eighth section of the "Act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee," was read the second time, and referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. BRADLEY, TAIT, GREGG, LLOYD, and HUNTER, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to incorporate Moses Austin, John Rice Jones, Henry Austin, and others, into a company, by the name of the Louisiana Lead Company, together with the amendments reported thereto by the select committee; and having in part agreed to the report of the committee, the President reported the bill to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill to provide for the designating, surveying, and granting, the military bounty land; and on motion, by Mr. CAMPBELL, of Tennessee, the further consideration thereof was postponed until to morrow.

WEDNESDAY, March 25.

The bill giving further time for registering claims to land in the eastern district of the Territory of Orleans, was read the second time.

The bill, entitled "An act making provision for certain persons claiming lands under the several acts for the relief of the refugees from the British provinces of Canada and Nova Scotia," was read the second time, and referred to the committee to whom was recommitted, on the 28th January, the bill which originated in the Senate on the same subject, to consider and report thereon.

On motion, the Senate resumed the consideration of the report of the managers at the conference on their part, on the bill, entitled "An act establishing a quartermaster's department, and for other purposes." Whereupon,

Resolved, That they recede from their disagreement to the amendments of the House of Representatives, so far as to agree to the report of the managers, and that the bill be so modified.

A message from the House of Representatives informed the Senate that the House agree to the modification of the amendments of the Senate to the bill, entitled "An act concerning the Naval Establishment," as reported by the managers at the conference on the said bill. The House of Representatives have passed a bill, entitled "An act for the organization of a corps of artificers," in which bill they request the concurrence of the Senate.

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The bill last mentioned was read, and passed to a second reading.

Mr. GREGG, from the committee to whom was referred the bill, entitled "An act relinquishing to the Corporation of the city of New Orleans the use and possession of a lot in the said city," reported it with an amendment, and the amendment was considered and agreed to, as in Committee of the Whole and the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of the officers and soldiers who served in the late campaign on the Wabash," together with the amendments reported thereto by the select committee, and the report was in part adopted; and, after debate, the further consideration thereof was postponed until to-morrow.

Mr. GILMAN, from the committee, reported the bill to incorporate Moses Austin, John Rice Jones, Henry Austin, and others, into a company, by the name of the Louisiana Lead Company, correctly engrossed.

Mr. BAYARD, from the committee to whom was referred the bill from the House of Representatives, entitled "An act for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said State," reported it with amendments.

THURSDAY, March 26.

Mr. GILMAN, from the committee, reported the amendments to the bill, entitled "An act relinquishing to the Corporation of the city of New Orleans the use and possession of a lot in the said city," correctly engrossed; and the bill was read the third time as amended; and the title having been amended, the bill was passed.

Mr. GILMAN, from the committee, also stated the report of the managers at the conference on the part of the Senate, on the bill entitled "An act establishing a quartermaster's department, and for other purposes," correctly engrossed.

Mr. BRADLEY, from the committee to whom was referred the bill to carry into effect the provisions of the eighth section of the act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee, reported it without amendment.

Mr. GOODRICH, from the committee to whom was recommitted the bill for improving the navigation of the river Potomac, reported it with amendments.

The bill, entitled "An act for the organization of a corps of artificers," was read the second time and referred to a select committee, to consider and report thereon; and Messrs. REED, GILMAN, and SMITH of Maryland, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of

the officers and soldiers who served in the late campaign on the Wabash."

On motion, by Mr. BRADLEY, it was agreed to amend the second section by adding a proviso thereto.

On motion, by Mr. GERMAN, to amend the second section of the bill, line three, by inserting the words "army and," extending the provision to the regular troops as well as militia, it was determined in the negative—yeas 13, nays 15, as follows:

YEAS—Messrs. Bayard, Bibb, Cutts, German, Giles, Gilman, Horsey, Howell, Hunter, Lambert, Smith of Maryland, Smith of New York, and Taylor.

NAYS—Messrs. Anderson, Campbell of Tennessee, Condit, Crawford, Franklin, Gaillard, Goodrich, Leib, Lloyd, Pope, Reed, Tait, Turner, Varnum, and Worthington.

On motion by Mr. GERMAN, to strike out the second section of the bill, amended as follows:

SEC. 2. *And be it further enacted*, That the officers, according to the rank which they held, as aforesaid, the non-commissioned officers and soldiers of the volunteers or militia, who served in the said campaign, and who were killed or died of wounds received in said service, leaving a widow, or, if no widow, shall have left a child or children, under the age of sixteen years, such widow, or, if no widow, such child or children, shall be entitled to, and receive, the half of the monthly pay to which the deceased was entitled at the time of his death, or receiving the wound of which he died, for and during the term of five years; and in case of the death or intermarriage of such widow, before the expiration of the term of five years, the half pay, for the remainder of the term, shall go to the child or children of such deceased officer or soldier, whilst under the age of sixteen years; and in like manner, the allowance to the child or children of such deceased, where there is no widow, shall be paid no longer than while there is a child or children under the age aforesaid: *Provided*, That no greater sum shall be allowed in any case to the widow, or to the child or children, of any officer, than the half pay of a lieutenant colonel."

It was determined in the negative—yeas 6, nays 22, as follows:

YEAS—Messrs. Cutts, German, Lambert, Lloyd, Turner, and Varnum.

NAYS—Messrs. Anderson, Bayard, Bibb, Campbell of Tennessee, Condit, Crawford, Franklin, Gaillard, Giles, Gilman, Goodrich, Horsey, Howell, Hunter, Leib, Pope, Reed, Smith of Maryland, Smith of New York, Tait, Taylor, and Worthington.

And the President reported the bill to the House as amended.

On the question, Shall this bill be read the third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making provision for the sale of the public lands, together with the motion for postponement to the first Monday in December next; and, on motion, by Mr. GILES, the further consideration thereof was postponed until to-morrow.

A message from the House of Representatives informed the Senate that the House agree to the modification of the amendments to the bill, enti-

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tled "An act establishing a quartermaster's department, and for other purposes," as reported by the managers at the conference on the said bill. They have passed a bill, entitled "An act to authorize the Secretary of War to exchange lands with the Ursuline Nuns of the city of New Orleans;" in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

The engrossed bill to incorporate Moses Austin, John Rice Jones, Henry Austin, and others, into a company, by the name of the Louisiana Lead Company, was read the third time.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 14, nays 12, as follows:

YEAS—Messrs. Anderson, Bradley, Condit, Crawford, Dana, German, Goodrich, Gregg, Howell, Hunter, Smith of New York, Tait, Taylor, and Worthington.

NAYS—Messrs. Bayard, Franklin, Giles, Horsey, Lambert, Leib, Lloyd, Reed, Smith of Maryland, Turner, and Varnum.

So it was *Resolved*, That this bill pass, and that the title thereof be, "An act to incorporate Moses Austin, John Rice Jones, Henry Austin, and others, into a company, by the name of the Louisiana Lead Company."

FRIDAY, March 27.

The bill entitled, "An act to authorize the Secretary of War to exchange lands with the Ursuline Nuns of the city of New Orleans," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. GREGG, DANA, and BRENT, were appointed the committee.

Mr. CAMPBELL, of Tennessee, submitted the following motion for consideration:

"*Resolved*, That a committee be appointed to inquire what provision ought to be made by law for completing titles on such special entries, locations, and surveys of lands, in the State of Tennessee, as were made pursuant to the laws of North Carolina, and recognised by the act of the said State, commonly called the cession act, and which lie west and south of the line described in an act of Congress, entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described," &c. passed on the 18th of April, 1806, and within the bounds to which the Indian title has been extinguished; and that the committee have leave to report by bill or otherwise."

Mr. GILMAN, from the committee, reported the amendments to the bill, entitled "An act for the relief of the officers and soldiers who served in the late campaign on the Wabash," correctly engrossed; and the bill was read the third time as amended.

On motion, by Mr. REED, to recommit the bill, it passed in the negative.

Resolved, That this bill pass with amendments.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making fur-

ther provision for the sale of public lands, together with the motion for postponement; and the further consideration of the bill was postponed until the first Monday in December next.

Mr. BAYARD, from the committee appointed to consider the subject, reported a bill to enlarge the limits of the State of Louisiana; and the bill was read, and passed to the second reading.

Mr. GILES, from the committee to whom was referred the bill for the relief of Charles Minifie, reported it with amendments.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the President of the United States to ascertain and designate certain boundaries.

On motion, by Mr. GERMAN, to strike out the second section of the bill, which provides for the ascertaining where the waters of Connecticut river intersect the northernmost part of the 45th degree of north latitude, it was determined in the affirmative—yeas 17, nays 10, as follows:

YEAS—Messrs. Anderson, Bayard, Bibb, Gaillard, German, Goodrich, Hunter, Leib, Lloyd, Reed, Smith of Maryland, Smith of New York, Tait, Taylor, Turner and Varnum.

NAYS—Messrs. Bradley, Condit, Crawford, Dana, Franklin, Gregg, Howell, Lambert, Pope, and Worthington.

And the President reported the bill to the House amended.

On the question, Shall this bill be engrossed and read the third time as amended? it was determined in the affirmative.

Mr. FRANKLIN, from the committee to whom was referred the petition of Thomas Gordon, reported that the prayer of the petitioner ought not to be granted, and that the petitioner have leave to withdraw his papers; and the report was agreed to.

On motion, by Mr. WORTHINGTON, the bill entitled "An act giving further time to the purchasers of public land northwest of the river Ohio to complete their payments," was referred to a select committee, to consider and report thereon; and Messrs. WORTHINGTON, SMITH of Maryland, and BAYARD, were appointed the committee.

On motion, by Mr. BAYARD, Mr. TAIT was added to the committee to whom were referred, on the 12th instant, the bill, entitled "An act for the relief of Arthur St. Clair;" and the bill, entitled "An act for the relief of Thomas Wilson."

MONDAY, March 30.

The bill to authorize the President of the United States to ascertain and designate certain boundaries having been reported by the committee correctly engrossed, was read the third time as amended, and passed.

The Senate resumed the consideration of the motion made the 27th instant, by Mr. CAMPBELL, of Tennessee; and the motion was agreed to; and Messrs. CAMPBELL, of Tennessee, BRADLEY, and GREGG, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for improv-

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ing the navigation of the river Potomac, opposite the City of Washington, together with the amendments reported thereto by the select committee; and having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Charles Minifie, together with the amendments reported thereto by the select committee; and having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

The bill to enlarge the limits of the State of Louisiana was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to provide for the designating, surveying, and granting, the military bounty lands.

On motion, to strike out the words "fit for cultivation," it was determined in the negative—yeas 12, nays 14, as follows:

YEAS—Messrs. Campbell of Tennessee, Condit, Franklin, Gaillard, Gilman, Gregg, Leib, Reed, Smith of Maryland, Smith of New York, Turner, and Worthington.

NAYS—Messrs. Bibb, Brent, Crawford, German, Giles, Goodrich, Horsey, Howell, Lambert, Pope, Robinson, Tait, Taylor, and Varnum.

On motion, by Mr. CAMPBELL, of Tennessee, to strike out two millions in the Territory of Louisiana, and insert one million five hundred thousand, it was determined in the negative—yeas 8, nays 17, as follows:

YEAS—Messrs. Campbell of Tennessee, Condit, Franklin, Gaillard, Giles, Lambert, Smith of Maryland, and Worthington.

NAYS—Messrs. Bibb, Crawford, German, Gilman, Goodrich, Gregg, Howell, Leib, Lloyd, Pope, Reed, Robinson, Smith of New York, Tait, Taylor, Turner, and Varnum.

And the bill having been amended, the President reported it to the House accordingly. And on the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

Mr. GREGG presented the petition of John Clarke, of the State of Pennsylvania, praying remuneration for services rendered during the Revolutionary war, as therein stated; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. GREGG, REED, and SMITH, of New York, were appointed the committee.

Mr. SMITH, of New York, presented the memorial of Peter Landais, praying compensation for military services.

TUESDAY, March 31.

The bill for the relief of Charles Minifie having been reported by the committee correctly en-

grossed, was read the third time as amended, and passed.

The bill for improving the navigation of the river Potomac, opposite the city of Washington, having been reported by the committee correctly engrossed, was read the third time as amended, and passed.

The bill to provide for the designating, surveying, and granting, the military bounty lands, having been reported by the committee correctly engrossed, was read the third time as amended, and passed.

Mr. BAYARD, from the committee to whom was referred the bill, entitled "An act for the relief of Arthur St. Clair," reported it without amendment. He also reported the bill, entitled "An act for the relief of Thomas Wilson," without amendment.

The Senate resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives, entitled "An act for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said State," together with the amendments reported thereto by the select committee; and having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

On motion by Mr. SMITH, of New York, the memorial of Peter Landais was referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. SMITH of New York, BRENT, and DANA, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the bill to carry into effect the provisions of the eighth section of the act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee; and, on motion by Mr. GILES, it was agreed that the further consideration thereof be postponed to, and made the order of the day for, Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill giving further time for registering claims to land in the eastern district of the Territory of Orleans.

On the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to enlarge the limits of the State of Louisiana; and on motion by Mr. VARNUM, the yeas and nays were required on passing the bill to a third reading; and, after debate, on motion by Mr. ANDERSON, the further consideration of the bill was postponed until tomorrow, and made the order for that day.

Mr. BRENT, from the committee to whom was referred the bill to incorporate a bank in the town of Alexandria, by the name and style of "the Mechanics' Bank of Alexandria," reported it with amendments.

Mr. BRENT presented the petition of the President and Directors of the Bank of Washington,

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praying an enlargement of their capital, for reasons therein stated; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. BRENT, DANA, and CAMPBELL of Tennessee, were appointed the committee.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to continue in force 'An act to provide for persons who were disabled by known wounds received in the Revolutionary war, and for other purposes,'" also a bill, entitled "An act for the relief of William Hubbell;" in which bills they request the concurrence of the Senate.

The two bills last brought up for concurrence were read, and passed to the second reading.

On motion by Mr. FRANKLIN, the committee to whom was referred the petition of David Porter was discharged, and the consideration of the petition postponed indefinitely.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Thomas Orr;" and the bill having been amended, the President reported it to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

WEDNESDAY, April 1.

Mr. HOWELL, from the committee to whom was referred, on the 30th December last, the petition of Nathaniel Smith, naval officer of the port of Providence, reported, as their opinion, that it would be inexpedient to act any further on it this session; and the report was agreed to.

Mr. BRADLEY, from the committee to whom was referred the bill, entitled "An act concerning the Levy Court of the county of Washington, in the District of Columbia," reported it amended.

Mr. POPE, from the committee to whom was referred the bill, entitled "An act supplemental to 'An act making provision for arming and equipping the whole body of militia of the United States,'" reported it amended.

On motion by Mr. POPE, the resolutions of the Legislature of the State of Kentucky, communicated on the 3d March, on the subject of public roads, was referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. POPE, CAMPBELL of Tennessee, and ANDERSON, were appointed the committee.

On motion, the committee to whom was referred the petition of Charles Whitlow, were discharged from the further consideration thereof.

Mr. GILES, from the committee to whom was referred the petition of Isaac Tryon, reported that the prayer of the petition ought not to be granted; and the report was agreed to.

The bill, entitled "An act for the relief of William Hubbell," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. BIBB, HORSEY, and BRADLEY, were appointed the committee.

The bill, entitled "An act to continue in force 'An act to provide for persons who were disabled

by known wounds received in the Revolutionary war, and for other purposes,'" was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. GREGG, VARNUM, and TAIT, were appointed the committee.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the granting of patents for land, according to the surveys that have been made, and to grant donation rights to certain claimants of land in the district of Detroit, and for other purposes;" in which bill they request the concurrence of the Senate.

The last mentioned bill was read, and passed to the second reading.

The amendments to the bill, entitled "An act for the relief of Thomas Orr," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed with amendments.

The amendments to the bill, entitled "An act for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said State," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and, by unanimous consent, was further amended, by striking out, in the ninth section and second line, the word "next," and inserting the words "one thousand eight hundred and twelve."

Resolved, That this bill pass with amendments.

The bill giving further time for registering claims to land in the eastern district of the Territory of Orleans having been reported by the committee correctly engrossed, was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to enlarge the limits of the State of Louisiana; and, no amendment having been offered, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative—yeas 21, nays 8, as follows:

YEAS—Messrs. Anderson, Bayard, Bibb, Campbell of Tennessee, Condit, Crawford, Cutts, Gaillard, Giles, Gregg, Horsey, Howell, Leib, Pope, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bradley, Franklin, German, Gilman, Goodrich, Lambert, Lloyd, and Reed.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Arthur St. Clair;" and, on the question, Shall this bill be read the third time? it passed in the negative.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Thomas Wilson;" and it was ordered to the third reading.

The following confidential Message was received from the President of the United States:

To the Senate and House of

Representatives of the United States:

Considering it as expedient, under existing circumstances and prospects, that a general embargo be laid

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on all vessels now in port, or hereafter arriving, for the period of sixty days, I recommend the immediate passage of a law to that effect.

JAMES MADISON.

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The Message was read; and on motion, by Mr. BAYARD, that the injunction of secrecy be taken off respecting the Message last read; it was determined in the negative—yeas 11, nays 21, as follows:

YEAS—Messrs. Bayard, Dana, German, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Lloyd, and Reed.

NAYS—Messrs. Anderson, Bibb, Bradley, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Giles, Howell, Leib, Pope, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

Resolved, That the Message be referred to a select committee, to consist of five members, to consider and report thereon by bill or otherwise.

Ordered, That Messrs. CAMPBELL of Tennessee, TAYLOR, GERMAN, POPE, and BAYARD, be the committee.

THURSDAY, April 2.

Mr. BRADLEY, from the committee to whom was referred the bill, entitled "An act to authorize a detachment from the militia of the United States," reported it amended.

The following confidential Message was received from the House of Representatives, by Messrs. WRIGHT and GRUNDY, a committee of that House; Mr. WRIGHT, Chairman:

Mr. President: The House of Representatives have passed a bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States for a limited time;" in which they ask the concurrence of the Senate; and the committee are instructed to impress on the Senate a speedy consideration of the bill.

The bill was read, and passed to a second reading.

Mr. CAMPBELL, of Tennessee, stated, from the committee appointed to consider the Message of the President of the United States of the first instant, that, having had intimation that a bill on the subject had passed the other House, the committee would not at present make a report.

On motion, by Mr. LEIB, that the bill be now read a second time by unanimous consent, it was objected to as against the rule.

Mr. ANDERSON submitted a motion to suspend so much of the twelfth rule for conducting business, as provides that the three readings of a bill be on three separate days; and, after debate, he withdrew his motion, in order that the following motion might be taken up:

Whereupon, a motion was made by Mr. SMITH, of Maryland, one of the majority, to reconsider the vote for the second reading of the bill, by unanimous consent; and it was again objected to as against the rule.

On motion, by Mr. LLOYD, that the bill be printed, under an injunction of secrecy, for the

use of the Senate, it was determined in the negative—yeas 11, nays 21, as follows:

YEAS—Messrs. Bayard, Bradley, Dana, German, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, and Reed.

NAYS—Messrs. Anderson, Bibb, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Giles, Gregg, Howell, Leib, Pope, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

Mr. ANDERSON renewed his motion to suspend the twelfth rule for conducting business; and, on the question to agree thereto, it was determined in the affirmative—yeas 20, nays 12, as follows:

YEAS—Messrs. Anderson, Bibb, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Giles, Howell, Leib, Pope, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bayard, Bradley, Dana, German, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Lloyd, and Reed.

On motion, by Mr. CAMPBELL, of Tennessee, the bill was read the second time.

On motion, by Mr. SMITH, of Maryland, the bill was referred to the committee yesterday appointed on the confidential Message of the President of the United States, to consider and report thereon.

Mr. LLOYD submitted the following motion for consideration:

Resolved, That the President of the United States be requested to lay before the Senate any information in possession of the Government, touching our foreign relations, which has not been already communicated, and which, in his opinion, it may not be injurious to the public interests to make known to the Senate.

On the question to agree to the resolution, it was determined in the negative—yeas 14, nays 17, as follows:

YEAS—Messrs. Bayard, Bradley, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Lloyd, Reed, and Smith of Maryland.

NAYS—Messrs. Anderson, Bibb, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Howell, Leib, Pope, Robinson, Smith of New York, Tait, Taylor, Turner, and Varnum.

Mr. CAMPBELL, of Tennessee, from the committee to whom the bill was referred, reported it amended.

Mr. ANDERSON was called to the Chair, and the bill was considered as in Committee of the Whole, together with the amendment reported thereto by the select committee.

A motion was made, by Mr. BAYARD, to amend the bill, by adding thereto the following section:

And be it further enacted, That the act, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes; and also the third section of the act, entitled "An act supplementary to the act, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," be and the same are hereby repealed.

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And, on the question to adopt the amendment, it was determined in the negative—yeas 13, nays 19, as follows:

YEAS—Messrs. Bradley, Dana, German, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Reed, Smith of Maryland, and Worthington.

NAYS—Messrs. Anderson, Bibb, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Giles, Gregg, Howell, Leib, Pope, Robinson, Smith of New York, Tait, Taylor, Turner, and Varnum.

And the bill having been debated, the President resumed the Chair; and it was, by Mr. ANDERSON, reported with amendments; which were read, and agreed to by the Senate, as follows:

Section 1, line 3, strike out "sixty;" line 6, strike out "under the immediate direction;" and insert, "in ballast, with the consent."

On motion, by Mr. BRADLEY, to postpone the further consideration of the bill until to-morrow, it was determined in the negative.

Ordered, That the bill, as amended, pass to a third reading.

The following confidential message was received from the House of Representatives, by Messrs. CALHOUN and WILLIAMS, a committee of that House—Mr. CALHOUN, chairman:

Mr. President: The House of Representatives have passed a bill, entitled "An act in addition to the act, entitled 'An act to raise an additional military force,' passed January 11, 1812;" in which they request the concurrence of the Senate.

After the consideration of Executive and confidential business, the Senate adjourned.

FRIDAY, April 3.

Mr. GREGG, from the committee to whom was referred the bill, entitled "An act to authorize the Secretary of War to exchange lands with the Ursuline Nuns of the city of New Orleans," reported it amended.

Mr. LLOYD, from the committee to whom was referred the bill to annex the towns of Kittery, Elliot, and Berwick, to the district of Portsmouth, reported it without amendment; and, on his motion, the further consideration thereof was postponed to the first Monday in November next.

The amendments to the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States for a limited time," having been reported by the committee correctly engrossed, the bill was read the third time.

On motion, by Mr. LEIB, it was agreed to fill the blank with the word "ninety."

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 20, nays 13, as follows:

YEAS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Gregg, Howell, Leib, Pope, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bayard, Bradley, Dana, German, Giles, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Reed, and Smith of Maryland.

So it was *Resolved*, That this bill pass with amendments.

On motion, by Mr. BIBB, a committee of two members were appointed to carry the bill to the House of Representatives, and request their concurrence in the amendments; and Messrs. BIBB and CAMPBELL of Tennessee, were appointed the committee.

The bill, entitled "An act to authorize the granting of patents of land according to the surveys that have been made, and to grant donation rights to certain claimants of land in the district of Detroit, and for other purposes," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. WORTHINGTON, GREGG, and GOODRICH, were appointed the committee.

The bill from the House of Representatives, entitled "An act in addition to the act, entitled 'An act to raise an additional military force,' passed January 11, 1812," was read, and passed to the second reading.

After the consideration of Executive and confidential business, the Senate adjourned to seven o'clock in the evening.

Seven o'clock in the evening.

The bill, entitled "An act for the relief of Thomas Wilson," was read a third time, and passed.

The bill to enlarge the limits of the State of Louisiana having been reported by the committee correctly engrossed, the third reading thereof was postponed until to-morrow.

A motion was made, by Mr. ANDERSON, to suspend the twelfth rule for conducting business in the Senate, as it respects the bill, entitled "An act in addition to the act, entitled 'An act to raise an additional military force,' passed January 11, 1812;" and, after debate, he withdrew his motion.

On motion, that the bill be now read a second time by unanimous consent, it was objected to as against the rule.

A motion was made, by Mr. BAYARD, to postpone the consideration of the motion for the second reading of the bill until to-morrow; and it was determined in the negative.

Mr. ANDERSON renewed his motion to suspend the twelfth rule for conducting the business in the Senate, as it respects the said bill; and it was determined in the affirmative—yeas 15, nays 9, as follows:

YEAS—Messrs. Anderson, Bibb, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Howell, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bayard, Dana, German, Goodrich, Horsey, Hunter, Lloyd, Pope, and Reed.

And, on motion by Mr. ANDERSON, the bill was read the second time.

On motion, by Mr. GERMAN, that the injunction of secrecy be taken off as it respects the said bill, it was determined in the negative—yeas 13, nays 13, as follows:

YEAS—Messrs. Bayard, Condit, Crawford, Dana,

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Gaillard, German, Goodrich, Horsey, Hunter, Lloyd, Pope, Reed, and Smith of New York.

YAYS—Messrs. Anderson, Bibb, Campbell of Tennessee, Cutts, Franklin, Howell, Leib, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

After the consideration of Executive and confidential business, the Senate adjourned.

SATURDAY, April 4.

On motion, by Mr. CAMPBELL, of Tennessee, the galleries were cleared, and the doors of the Senate Chamber closed.

A message from the House of Representatives, by their committee. Messrs. CALHOUN and WILLIAMS—Mr. CALHOUN, chairman:

Mr. President: The House of Representatives concur in the amendments of the Senate to the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States, for a limited time." The Speaker of the House of Representatives having signed an enrolled bill, we are directed to bring it to the Senate for the signature of their President.

Mr. VARNUM, from the committee, reported the bill correctly enrolled.

The PRESIDENT signed the enrolled bill last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States.

Mr. VARNUM, from the committee, reported that they, this day, laid before the President of the United States the enrolled bill last mentioned, and that the President had approved and signed the act.

After the consideration of Executive and confidential business, on motion, by Mr. FRANKLIN, the doors of the Senate Chamber were opened.

Mr. LEIB presented the memorial of Arthur St. Clair, praying that, in consideration of services rendered to the United States during the Revolutionary war, and of his extreme poverty, Congress would make some provision to smooth his declining years, and secure him from the dread of immediate want; and the memorial was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. LEIB, BRADLEY, and BAYARD, were appointed the committee.

Mr. BRADLEY, from the committee to whom was referred the bill, entitled "An act making provision for certain persons claiming lands under the several acts for the relief of the refugees from the British provinces of Canada and Nova Scotia," reported it amended.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to authorize a detachment from the militia of the United States," together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the President reported the bill to the House accordingly.

On motion, by Mr. REED, to strike out "six," and insert, in lieu thereof, "three," thereby to reduce the term of militia service, a division was

called for, and the question was taken on striking out, and was determined in the negative—yeas 12, nays 16, as follows:

YEAS—Messrs. Bayard, Bradley, Condit, Dana, German, Gilman, Goodrich, Hunter, Lambert, Lloyd, Reed, and Smith of Maryland.

NAYS—Messrs. Anderson, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Giles, Gregg, Howell, Pope, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House disagree to all the amendments to the first section, and agree to all the other amendments of the Senate to the bill, entitled "An act for the relief of the officers and soldiers who served in the late campaign on the Wabash."

On motion, by Mr. ANDERSON,

Ordered, That the injunction of secrecy be taken off respecting so much of the confidential proceedings of the Senate on the 1st, 2d, and 3d instant, as relate to the embargo; and that the same be published.

MONDAY, April 6.

Agreeably to the order of the day, the Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing a subscription for the Laws of the United States; and, on motion by Mr. LEIB, it was agreed that the consideration thereof be further postponed to the first Monday in May next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to carry into effect the provisions of the eighth section of the "Act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee;" and, on motion, by Mr. LLOYD, it was referred to the committee to whom was referred, on the 17th of March, the bill, entitled "An act to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," to consider and report thereon.

Mr. REED, from the committee to whom was referred the bill, entitled "An act for the organization of a corps of artificers," reported it amended.

The amendments to the bill, entitled "An act to authorize a detachment from the militia of the United States," having been reported by the committee correctly engrossed, the bill was read a third time as amended.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 22, nays 7, as follows:

YEAS—Messrs. Anderson, Bibb, Bradley, Brent, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Gregg, Howell, Leib, Lloyd, Pope, Reed,

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Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

YAYS—Messrs. Condit, German, Giles, Gilman, Goodrich, Lambert, and Smith of Maryland.

So it was *Resolved*, That this bill pass with amendments.

TUESDAY, April 7.

Mr. WORTHINGTON, from the committee to whom was referred the bill, entitled "An act to authorize the granting of patents of land according to the surveys that have been made, and to grant donation rights to certain claimants of land in the district of Detroit, and for other purposes," reported it without amendment. He also reported the bill, entitled "An act giving further time to the purchasers of public land northwest of the river Ohio to complete their payments," amended.

On motion, by Mr. CAMPBELL, of Tennessee, the galleries were cleared, and the doors of the Senate Chamber closed.

On motion, by Mr. SMITH, of Maryland, the injunction of secrecy respecting the bill, entitled "An act in addition to the act, entitled 'An act to raise an additional military force,' passed January 11th, 1812," was taken off; and the doors of the Senate Chamber opened.

On motion, by Mr. ANDERSON, the bill was read the third time.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 13, nays 7, as follows:

YAYS—Messrs. Anderson, Campbell, of Tennessee, Condit, Crawford, Gregg, Howell, Leib, Pope, Smith of New York, Tait, Taylor, Varnum, and Worthington.

NAYS—Messrs. Giles, Gilman, Goodrich, Horsey, Lambert, Reed, and Smith of Maryland.

So it was *Resolved*, That this bill pass.

WEDNESDAY, April 8.

The Senate proceeded to consider the resolution of the House of Representatives disagreeing to the amendments to the bill, entitled "An act for the relief of the officers and soldiers who served in the late campaign on the Wabash."

On motion, by Mr. POPE, that the Senate recede from the amendments disagreed to, it was determined in the negative—yeas 8, nays 14, as follows:

YAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Gilman, Lambert, Pope, Worthington.

NAYS—Messrs. Bradley, Condit, Crawford, Gaillard, Goodrich, Gregg, Howell, Leib, Lloyd, Reed, Smith of Maryland, Smith of New York, Tait, and Turner.

On motion, by Mr. LEIB, it was resolved that the Senate insist on the amendments disagreed to.

A message from the House of Representatives informed the Senate that the House agree to the amendments of the Senate to the bill, entitled "An act to authorize a detachment from the militia of the United States," with amendments; in which they request the concurrence of the Senate.

12th CON. 1st SESS.—7

The Senate proceeded to consider the amendments of the House of Representatives to the amendments to the bill, entitled "An act to authorize a detachment from the militia of the United States;" and concurred therein.

The bill to enlarge the limits of the State of Louisiana was read a third time.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 21, nays 5, as follows:

YAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Gaillard, Giles, Gilman, Gregg, Howell, Leib, Pope, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Dana, Goodrich, Lambert, Lloyd, and Reed.

So it was *Resolved*, That this bill pass, and that the title thereof be "An act to enlarge the limits of the State of Louisiana."

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the organization of a corps of artificers," together with the amendments reported thereto by the select committee; and having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

On motion, by Mr. ANDERSON, the bill, entitled "An act supplementary to 'An act making provision for arming and equipping the whole body of the militia of the United States,'" was made the order of the day for to-morrow.

On motion, by Mr. GREGG, the bill, entitled "An act giving further time to the purchasers of public land northwest of the river Ohio to complete their payments," was postponed until Monday next.

THURSDAY, April 9.

The amendments to the bill, entitled "An act for the organization of a corps of artificers," having been reported by the committee as correctly engrossed, the bill was then read a third time as amended; and, on motion, the bill was amended by unanimous consent, section six, line two, by striking out the following words: "annually, during the continuance of this act."

Resolved, That this bill pass with amendments.

The PRESIDENT communicated the report of the Secretary of the Treasury on the petition of Nathaniel G. Ingraham and others, referred to him on the 14th of February, and the report was read.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act supplementary to 'An act making provision for arming and equipping the whole body of the militia of the United States,'" together with the amendments reported thereto by the select committee, and having agreed to the several amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third

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time as amended? it was determined in the affirmative.

Mr. REED gave notice that to-morrow he should ask leave to bring in a bill authorizing the President of the United States to lease, for a term of years, any part of the reservations of the public ground in the City of Washington.

Mr. GERMAN gave notice that to-morrow he should ask leave to bring in a bill authorizing the appointment of an additional judge of the district court for the district of New York.

FRIDAY, April 10.

The amendments to the bill, entitled "An act supplementary to 'An act making provision for arming and equipping the whole body of the militia of the United States,'" having been reported by the committee correctly engrossed, the bill was read a third time as amended; and, on motion, by Mr. POPE, the blank was filled with "three hundred thousand dollars."

Resolved, That this bill pass with amendments.

On motion, by Mr. SMITH, of Maryland, the bill to incorporate a bank in the town of Alexandria, by the name and style of the Mechanics' Bank of Alexandria, was made the order of the day for Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to authorize the Secretary of War to exchange lands with the Ursuline Nuns of the city of New Orleans," together with the amendments reported thereto by the select committee, and having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The Senate resumed the consideration of the motion made on the 17th of March, by Mr. SMITH, of Maryland, relating to the appropriations made by the several acts passed during the present session, and the motion was agreed to.

Mr. REED asked and obtained leave to bring in a bill authorizing the President of the United States to lease, for a term of years, any part of the reservations of public ground in the City of Washington; and the bill was read, and passed to the second reading.

Mr. ANDERSON presented the memorial of Eligius Fromentin and Allan B. Magruder, delegates from the Convention of the Territory of Orleans, soliciting a donation to the Government House, and the adjoining lot; and the memorial was read and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. ANDERSON, GREGG, and POPE, were appointed the committee.

Mr. GERMAN asked and obtained leave to bring in a bill authorizing the appointment of an additional judge of the district court of the district of New York; and the bill was read, and passed.

RETURNED BILL.

A message from the House of Representatives informed the Senate that the bill which passed

the two Houses of Congress at the present session, entitled "An act providing for the trial of all causes pending in the respective district courts of the United States, in case of the absence or disability of the judges thereof," and presented to the President of the United States for his approbation, has been returned by the President of the United States, with the following objections:

"Because the additional services imposed by the bill on the justices of the Supreme Court of the United States, are to be performed by them rather in the quality of other judges of other courts, namely, judges of the district courts, than in the quality of justices of the Supreme Court. They are to hold the said district courts, and to do and perform all acts relating to the said courts which are by law required of the district judges. The bill, therefore, virtually appoints, for the time, the justices of the Supreme Court to other distinct offices, to which, if compatible with their original offices, they ought to be appointed by another than the legislative authority, in pursuance of legislative provisions authorizing the appointments.

"Because the appeal allowed by law from the decision of the district courts to the circuit courts, while it corroborates the construction which regards a judge of the one court, as clothed with a new office, by being constituted a judge of the other, submits for correction erroneous judgments, not to superior or other judges, but to the erring individual himself, acting as sole judge in the appellate court.

"Because the additional services to be required may, by distances of place, and by the casualties contemplated by the bill, become disproportionate to the strength and health of the justices who are to perform them, the additional services being, moreover, entitled to no additional compensation, nor the additional expenses incurred, to reimbursement. In this view, the bill appears to be contrary to equity, as well as a precedent for modifications and extensions of judicial services, encroaching on the Constitutional tenure of judicial offices.

"Because, by referring to the President of the United States questions of disability in the district judges, and of the unreasonableness of delaying the suits or causes pending in the district courts, and leaving it with him in such cases to require the justices of the Supreme Court to perform additional services, the bill introduces an unsuitable relation of members of the judiciary department to a discretionary authority of the Executive department.

"JAMES MADISON."

And the House of Representatives, where the bill originated, have taken the question in the Constitutional way, and have resolved that this bill do not pass.

The House of Representatives recede from their disagreement to the amendments of the Senate to the first section of the bill, entitled "An act for the relief of the officers and soldiers who served in the late campaign on the Wabash," insisted on by the Senate.

They have passed a bill, entitled "An act providing for the government of the Territory of Louisiana," in which bill they request the concurrence of the Senate.

And on motion, the Senate adjourned until Monday.

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MONDAY, April 13.

The bill from the House of Representatives, entitled "An act providing for the government of the Territory of Louisiana," was read, and passed.

The amendments to the bill, entitled "An act to authorize the Secretary of War to exchange lands with the Ursuline Nuns of the city of New Orleans," having been reported by the committee correctly engrossed, the bill was read a third time as amended; and, on motion, by Mr. GREGG, was further amended by unanimous consent.

Resolved, That this bill pass with amendments.

Mr. SMITH, of Maryland, presented the memorial of William Patterson and Sons, and a number of others, merchants, of the city of Baltimore, praying a suspension of the non-importation act, or a partial modification thereof, for reasons therein stated at large; and the memorial was read.

A message from the House of Representatives informed the Senate that the House have passed a joint resolution appointing a committee on their part, to join such committee as the Senate may appoint, to consider and report what business demands the immediate attention of Congress, and whether a recess be compatible with the public interest, and the term of such recess; in which resolution they request the concurrence of the Senate.

The joint resolution last mentioned was read, and passed to the second reading.

Mr. ANDERSON, from the committee to whom was referred, on the 10th instant, the memorial of the delegates from the Convention of the Territory of Orleans, reported a bill granting to the Governor of the State of Louisiana, for the time being, and his successors in office, a lot of ground, and the buildings thereon, in the city of New Orleans, and the bill was read, and passed to the second reading.

The bill authorizing the appointment of an additional judge of the district court of the district of New York was read the second time.

The bill authorizing the President of the United States to lease, for a term of years, any part of the reservations of public ground in the City of Washington, was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. REED, BRENT, and GILMAN, were appointed the committee.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the Secretary of the Treasury to purchase or lease the old city hall in the city of New York; in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

On motion, by Mr. BRADLEY, the bill, entitled "An act concerning the Levy Court in the county of Washington, in the District of Columbia," was made the order of the day for to-morrow.

The Senate resumed, as in Committee of the Whole, the bill to incorporate a bank in the town of Alexandria, by the name and style of the Mechanics' Bank of Alexandria, together with the

amendments reported thereto by the select committee; and having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act giving further time to the purchasers of public land northwest of the river Ohio to complete their payments," together with the amendments reported thereto by the select committee; and having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act making provision for certain persons claiming lands under the several acts for the relief of the refugees from the British provinces of Canada and Nova Scotia," together with the amendments reported thereto by the select committee; and having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

TUESDAY, April 14.

Mr. ANDERSON, from the committee to whom was referred the bill for the relief of Thomas and William Streshly, reported it without amendment.

The Senate resumed the consideration of the joint resolution brought up yesterday in relation to a recess; and the further consideration thereof was postponed until Monday next.

The bill, entitled "An act providing for the government of the Territory of Louisiana," was read the second time, and referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. WORTHINGTON, BIBB, CAMPBELL, of Tennessee, ANDERSON, and GOODRICH, were appointed the committee.

The bill granting to the Governor of the State of Louisiana, for the time being, and his successors in office, a lot of ground, and the buildings thereon, in the city of New Orleans, was read the second time.

The amendments to the bill, entitled "An act making provision for certain persons claiming lands under the several acts for the relief of the refugees from the British provinces of Canada and Nova Scotia," having been reported by the committee correctly engrossed, the bill was read a third time as amended.

Resolved, That this bill pass with amendments.

The bill, entitled "An act to authorize the Secretary of the Treasury to purchase or lease the old city hall in the city of New York," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs.

SMITH, of New York, BRADLEY, and GREGG, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act concerning the Levy Court of the county of Washington, in the District of Columbia," together with the amendments reported by the select committee; and, having agreed thereto, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The amendments to the bill, entitled "An act giving further time to the purchasers of public land northwest of the river Ohio to complete their payments," having been reported by the committee correctly engrossed, the bill was read a third time as amended.

Resolved, That this bill pass with amendments.

On motion, by Mr. GERMAN, the bill authorizing the appointment of an additional judge of the district court of the district of New York was referred to a select committee, to consider and report thereon; and Messrs. GERMAN, GOODRICH, and SMITH, of New York, were appointed the committee.

On motion, by Mr. WORTHINGTON, the Message of the President of the United States of the 3d of February, transmitting a report of the Secretary of the Treasury, containing a statement of the proceedings under the act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio, was referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. WORTHINGTON, GREGG, and ANDERSON, were appointed the committee.

Mr. BIBB, from the committee to whom was referred the bill, entitled "An act for the relief of William Hubbell," reported it without amendment.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to authorize the granting of patents of land according to the surveys that have been made, and to grant donation rights to certain claimants of land in the district of Detroit, and for other purposes;" and, on motion, the bill was amended, and the President reported it to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

Mr. DANA submitted the following motion for consideration:

Resolved, That it is proper by law to establish regulations applicable to cases of merchant vessels permitted to be armed for defence in voyages which may be allowed to foreign ports or places; and therein to provide for furnishing letters of permission, or other documentary evidence, as may be proper in any such case to manifest the defensive character of the armament; and, also, to require securities for the vessels and their commanders, respectively, that they shall not proceed to any port known to be actually blockaded, nor carry contraband articles to the dominions of any

Power engaged in war against such as may be at peace with the United States, nor violate the laws or treaties of the United States, or the rules of public law by the United States acknowledged, but will observe the instructions which may be given by the President of the United States for preventing any such violation, and that satisfaction shall be made for all damages and injuries, if any should be committed in contravention thereof: provided, that vessels bound for places beyond the southern Cape of Africa or America shall not be prevented from going armed, as has been usual in such cases.

WEDNESDAY, April 15.

The bill to incorporate a bank in the town of Alexandria, by the name and style of the Mechanics' Bank of Alexandria, having been reported by the committee correctly engrossed, was read the third time, and passed.

The amendments to the bill, entitled "An act to authorize the granting of patents of land according to the surveys that have been made, and to grant donation rights to certain claimants of land in the district of Detroit, and for other purposes," having been reported by the committee correctly engrossed, the bill was read the third time as amended, and passed.

The amendments to the bill, entitled "An act concerning the Levy Court of the county of Washington, in the District of Columbia," having been reported by the committee correctly engrossed, the bill was read the third time as amended, and passed with amendments.

Mr. LEIB presented the memorial of Alexander Henry, and a number of others, merchants, of the city of Philadelphia, praying a suspension of the non-importation act, or a modification thereof, for reasons stated at large in the memorial; which was read, and referred to a select committee, to consist of five members, to consider and report thereon by bill or otherwise; and Messrs. LEIB, BIBB, CAMPBELL, of Tennessee, LLOYD, and TAYLOR, were appointed the committee.

On motion, by Mr. SMITH, of Maryland, the memorial of William Patterson, and others, on the same subject, presented the 13th instant, was referred to the committee last mentioned.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Thomas and William Streshly; and, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of William Hubbell;" and it was ordered to the third reading.

The Senate resumed, as in Committee of the Whole, the bill granting to the Governor of the State of Louisiana, for the time being, and his successors in office, a lot of ground, and the buildings thereon, in the city of New Orleans; and, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House agree to the

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amendments of the Senate to the bill, entitled "An act for the organization of a corps of artificers," with amendments, in which they request the concurrence of the Senate. They have passed a bill, entitled "An act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the river Mississippi and island of New Orleans;" in which bill they request the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to their amendments to the bill, entitled "An act for the organization of a corps of artificers;" and concurred therein.

The bill last brought up for concurrence was read, and passed to the second reading.

The Senate resumed the consideration of the motion made yesterday by Mr. DANA, and it was agreed to; and, on his motion, referred to a select committee, to consist of five members, to consider and report thereon by bill or otherwise; and Messrs. DANA, SMITH, of Maryland, TAYLOR, HUNTER, and LLOYD, were appointed the committee.

The PRESIDENT communicated the report of the Secretary for the Department of Treasury, made in conformity with the resolution of the Senate of the 10th instant, relating to the appropriations made by the several acts passed during the present session; and the report was read, and ordered to be printed for the use of the Senate.

THURSDAY, April 16.

Mr. ANDERSON, from the committee to whom the subject was referred, reported a bill for the relief of Reuben Saunders and his securities; and the bill was read, and passed to the second reading.

The bill, entitled "An act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the river Mississippi and island of New Orleans," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. GREGG, TAIT, and WORTHINGTON, were appointed the committee.

The bill from the House of Representatives, entitled "An act for the relief of William Hubbell," was read a third time, and passed.

The bill for the relief of Thomas and William Streshly, having been reported by the committee correctly engrossed, was read a third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act further to amend the charter of the City of Washington;" a bill, entitled "An act to continue in force, for a limited time, an act, entitled 'An act continuing, for a limited time, the salaries of the officers of Government therein mentioned;'" also, a bill, entitled "An act for the relief of Aaron Greely;" in which bills they request the concurrence of the Senate.

The three bills last brought up for concurrence were read, and passed.

The bill, entitled "An act for the relief of Aaron Greely," was read the second time, by unanimous consent; and referred to a select committee, to consider and report thereon; and Messrs. GREGG, WORTHINGTON, and VARNUM, were appointed the committee.

The bill granting to the Governor of the State of Louisiana, for the time being, and his successors in office, a lot of ground, and the buildings thereon, in the city of New Orleans, having been reported by the committee correctly engrossed, was read a third time, and passed.

FRIDAY, April 17.

On motion, by Mr. DANA, the injunction of secrecy was removed respecting the proceedings on the "Act to prohibit the exportation of specie, goods, wares, and merchandise, for a limited time."

[The proceedings are as follow:]

THURSDAY, April 9, 1812.

The following confidential message was received from the House of Representatives, by their committee, Mr. SMILIE and Mr. PLEASANTS; Mr. SMILIE chairman:

Mr. President: The House of Representatives have passed a bill, entitled "An act to prohibit the exportation of specie, goods, wares, and merchandise, for a limited time;" in which bill they ask the concurrence of the Senate.

The bill was read, and, on motion, by Mr. CAMPBELL, of Tennessee, that the bill be now read the second time by unanimous consent, it was objected to as against the rule.

Ordered, That the bill pass to a second reading.

FRIDAY, April 10.

The bill from the House of Representatives, entitled "An act to prohibit the exportation of specie, goods, wares, and merchandise, for a limited time," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. CAMPBELL, of Tennessee, BRADLEY, and TAYLOR, were appointed the committee.

Mr. CAMPBELL, of Tennessee, from the committee, reported the bill last mentioned with an amendment. Whereupon, the bill was resumed, and considered as in Committee of the Whole, together with the amendment reported thereto by the select committee; and having agreed to the amendment, the President reported the bill to the House accordingly.

On motion, by Mr. GOODRICH, that the further consideration of the bill be postponed until tomorrow, and that it be printed under an injunction of secrecy, for the use of the Senate, it was determined in the negative.

On the question, Shall the bill pass to the third reading as amended? it was determined in the affirmative—yeas 16, nays 12, as follows:

YEAS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Gaillard, Gregg, Howell, Leib, Pope, Smith of New York, Tait, Taylor, Turner, and Varnum.

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NAYS—Messrs. Bradley, Dana, German, Giles, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Reed, and Smith of Maryland.

—
MONDAY, April 13.

On motion, by Mr. CAMPBELL, of Tennessee, the galleries were cleared, and the doors of the Senate Chamber closed.

The amendment to the confidential bill, entitled "An act to prohibit the exportation of specie, goods, wares, and merchandise, for a limited time," having been reported by the committee correctly engrossed, the bill was read the third time.

On motion, by Mr. BRADLEY, to recommit the bill, for the purpose of amending the second section, it was determined in the negative—yeas 11, nays 17, as follows:

YEAS—Messrs. Bradley, Dana, Giles, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Reed, and Smith of Maryland.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Gaillard, Gregg, Howell, Leib, Robinson, Smith of New York, Tait, Taylor, Turner, and Varnum.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 17, nays 11, as follows:

YEAS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Gaillard, Gregg, Howell, Leib, Robinson, Smith of New York, Tait, Taylor, Turner, and Varnum.

NAYS—Messrs. Bradley, Dana, Giles, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Reed, and Smith of Maryland.

So it was resolved that this bill pass with an amendment.

Ordered, That Messrs. VARNUM, and ANDERSON be a committee to carry the said bill to the House of Representatives, and request their concurrence in the amendment.

A message from the House of Representatives, by Messrs. CALHOUN and PIPER; Mr. CALHOUN chairman:

Mr. President: The House of Representatives concur in the amendment to the bill, entitled "An act to prohibit the exportation of specie, goods, wares, and merchandise, for a limited time."

—
TUESDAY, April 14.

Mr. VARNUM, from the committee, reported that they had examined and found duly enrolled the bill, entitled "An act to prohibit the exportation of specie, goods, wares, and merchandise, for a limited time."

A message from the House of Representatives, by their committee for enrolled bills; Mr. CRAWFORD chairman:

Mr. President: The Speaker of the House of Representatives having signed an enrolled bill, the committee are directed to bring it to the Senate for the signature of their President.

The PRESIDENT signed the enrolled bill last reported to have been examined, and it was deliv-

ered to the committee to be laid before the President of the United States.

Mr. VARNUM, from the committee, reported that they had laid the enrolled bill, last mentioned, before the President of the United States.

[*End of confidential proceedings.*]

Mr. GREGG, from the committee to whom was yesterday referred the bill, entitled "An act for the relief of Aaron Greely," reported it without amendment.

Ordered, That it pass to a third reading.

Mr. GERMAN, from the committee to whom was referred on the 14th instant, the bill authorizing the appointment of an additional judge of the district court of the district of New York, reported it amended.

Mr. GREGG, from the committee to whom was referred the bill, entitled "An act to continue in force 'An act to provide for persons who were disabled by known wounds received in the Revolutionary war, and for other purposes,'" reported it amended.

He also reported, from the committee to whom the subject was referred, the bill, entitled "An act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the river Mississippi and island of New Orleans," without amendment.

The bill, entitled 'An act further to amend the charter of the City of Washington,' was read the second time, and referred to a select committee, to consider and report thereon, and Messrs. BRENT, DANA, and HUNTER, were appointed the committee.

The bill for the relief of Reuben Saunders and his securities, was read the second time.

Mr. SMITH, of New York, from the committee to whom was referred the bill, entitled "An act to authorize the Secretary of the Treasury to purchase or lease the old city hall, in the city of New York," reported it amended.

Mr. WORTHINGTON, from the committee to whom the Message of the President of the United States, of the 3d March, respecting the proceedings under the act to regulate the laying out and making a road from Cumberland, in Maryland, to the State of Ohio, was referred, reported a bill in addition to the act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio; and the bill was read, and passed to the second reading.

The bill, entitled "An act to continue in force for a limited time, an act, entitled 'An act continuing, for a limited time, the salaries of the officers of Government, therein mentioned,'" was read the second time.

MISSISSIPPI TERRITORY.

Mr. TAYLOR, from the committee to was referred, on the 17th of March, the bill, entitled "An act to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States;" and on the 6th instant, the bill to carry into effect the provisions of the eighth section of

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the act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee, reported that the said bills be severally postponed to the first Monday in December next.

The report is as follows:

That in considering the subject referred to them, they could not avoid being struck with the immense size of the Territory proposed to be erected into a State, a size disproportionate to the size of any of the largest States which now compose our confederation.

It embraces, in its present form, and without any extension, to the Gulf of Mexico, (as is proposed in the bill referred to us,) nearly six and a half degrees of geographical longitude, and four entire degrees of latitude, and affords an area of twice the surface of the State of Pennsylvania.

Your committee are strongly impressed with the propriety and expediency of dividing the said Territory, so as to form of the same two States, whenever the population, within the limits of each section, shall render it just and proper; and they respectfully submit to the Senate the following divisional line, between the western and eastern sections of the said Territory, viz: up the Mobile river, to the point nearest its source, which falls on the eleventh degree of west longitude from the City of Washington; thence a course due north until the line intersects the waters of Bear creek; thence down the said creek to its confluence with the Tennessee river; thence down the said river to the northern boundary line of the said Territory. By a view of the map of this country it will appear that the above divisional line will divide the Territory into nearly two equal parts, and it has, for the most part, a delineation by nature.

By the 5th section of the 1st article of the treaty of cession from the State of Georgia the United States are bound to erect the said Territory into one State. It has, however, been suggested that the State of Georgia would not, upon a proper representation, withhold her consent to the proposed division.

To the end, therefore, that an opportunity may be afforded to the State of Georgia to express this consent, by a legislative act of the said State, as they shall think proper, your committee recommend that the said bill shall be postponed to the first Monday in December next.

The committee further recommend that the bill "to carry into effect the provisions of the eighth section of the act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee," which was also referred to said committee, be postponed to the first Monday in December next.

MONDAY, April 20.

A Message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to alter and establish certain post roads;" also, a bill, entitled "An act authorizing the departure of ships and vessels from the ports and harbors of the United States, in certain cases;" in which bills they request the concurrence of the Senate.

DEATH OF THE VICE PRESIDENT.

The PRESIDENT addressed the Senate as follows:

"GENTLEMEN: Upon me devolves the painful duty of announcing to the Senate the death of our venerable fellow-citizen, GEORGE CLINTON, Vice President of the United States.

"By this afflictive dispensation of Divine Providence the Senate is deprived of a President rendered dear to each of its members by the dignity and impartiality with which he has so long presided over their deliberations; and the nation bereaved of one of the brightest luminaries of its glorious Revolution."

The Senate being informed of the decease of their distinguished fellow-citizen, GEORGE CLINTON, Vice President of the United States, do

Resolve, That a committee be appointed, jointly, with such as may be appointed on the part of the House of Representatives, to consider and report measures proper to manifest the public respect for the memory of the deceased, and expressive of the deep regret of the Congress of the United States on the loss of a citizen so highly respected and revered.

Ordered, That MESSRS. SMITH of New York, SMITH of Maryland, GERMAN, GILMAN, and BRADLEY, be the committee.

Ordered, That the Secretary carry this resolution to the House of Representatives.

A message from the House of Representatives informed the Senate that the House concur in the resolution of the Senate for the appointment of a joint committee "to consider and report measures proper to manifest the public respect for the memory of the Vice President of the United States," deceased, and have appointed a committee on their part.

TUESDAY, April 21.

On motion of Mr. SMITH, of New York, *Resolved unanimously*, That, from an unfeigned respect to the late GEORGE CLINTON, Vice President of the United States, and President of the Senate, the Chair of the President of the Senate be shrouded with black during the present session; and, as a further testimony of respect for the memory of the deceased, the members of the Senate will go into mourning and wear a black crape round the left arm for thirty days.

WEDNESDAY, April 22.

The bill in addition to the "Act to regulate the laying out and opening a road from Cumberland, in the State of Maryland, to the State of Ohio," was read the second time.

Mr. SMITH, of Maryland, presented the memorial of Peter Hoffman, junior, and others, merchants, of the city of Baltimore, stating that their ship William, on the last day of March last, received a clearance for a voyage to Cadiz, and on the day following sailed from the port of Baltimore, previous to the Message of the President of the United States recommending an embargo; that the vessel proceeded on her voyage, and, while on the high seas, was met by a revenue cutter, and brought back to the port of Baltimore; and praying permission for the said vessel to depart and pursue her contemplated voyage; and

the memorial was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. SMITH, of Maryland, BIBB, and CAMPBELL, of Tennessee, were appointed the committee.

The two bills brought up on the 20th inst. for concurrence were read, and passed to the second reading.

The Senate resumed the consideration of the report of the committee to whom was referred the bill, entitled "An act to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; also, the bill to carry into effect the provisions of the eighth section of the act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee; and, in conformity thereto,

Resolved, That the first-mentioned bill be postponed to the first Monday in December next.

Resolved, also, That the bill to carry into effect the provisions of the eighth section of the act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee, be postponed to the first Monday in December next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to continue in force 'An act to provide for persons who were disabled by known wounds received in the Revolutionary war, and for other purposes,' together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The bill, entitled "An act for the relief of Aaron Greely," was read a third time, and passed.

The Senate resumed the consideration of the joint resolution brought up from the House of Representatives, on the subject of a recess.

On motion, by Mr. WORTHINGTON, to strike out a part of the resolution for the purpose of amendment, a division was called for; and, on the question to strike out, the votes being equal, the President determined it in the negative.

Resolved, That the Senate concur in the joint resolution.

Ordered, That Messrs. BRADLEY, REED, WORTHINGTON, GOODRICH, and LLOYD, be the committee.

Mr. LLOYD presented the petition of Ezra Weston and Son, of Duxbury, in the State of Massachusetts, praying indemnification for a vessel and cargo, fitted out in reliance on the proclamation of the President of the United States, of 2d November, 1810, that the decrees of France, violating neutral commerce, were revoked, and which vessel and cargo were captured on the 23d January last, in the prosecution of a voyage from Boston to Oporto, in Portugal, by two French

frigates, and burnt by the orders of their commanding officer; which frigates, they were informed by one of the officers, were fitted out for the express purpose of destroying all American vessels bound to any part of Spain or Portugal in the possession of the enemies of France; and the petition was read, and referred to the Secretary for the Department of State, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the river Mississippi and island of New Orleans;" and it was ordered to the third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the appointment of an additional judge of the district court of the district of New York, together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be engrossed, and read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Reuben Saunders, and his securities; and, on the question, Shall this bill be engrossed, and read a third time? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to continue in force, for a limited time, an act, entitled 'An act continuing, for a limited time, the salaries of the officers of Government therein mentioned;' and the bill was ordered to a third reading.

Mr. GERMAN presented the memorial of Charles Selden and others, citizens of the State of New York, praying a repeal of the act, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States, for a limited time," passed the 4th of April, 1812, or a modification thereof, for reasons stated at large in the memorial; which was read.

Mr. GERMAN also presented the memorial of Conklin and Pierson, and others, merchants, of the city of New York, praying a suspension of the non-importation act, or a modification thereof, for reasons stated at large in the memorial; which was read, and referred to the committee to whom was referred, on the 15th instant, the memorial of Alexander Henry and others, merchants, of Philadelphia, to consider and report thereon by bill or otherwise.

Mr. CUTTS presented the memorial of John Goddard, and others, citizens of Portsmouth, in the State of New Hampshire, and its vicinity, praying a repeal of the act, entitled "An act prohibiting the importation of goods, wares, and merchandise, from Great Britain," for reasons stated at large in the memorial; which was read, and referred to the committee last mentioned, to consider and report thereon, by bill or otherwise.

Mr. DANA, from the committee appointed on

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the subject reported in part, a bill concerning merchant vessels armed for defence, and the bill was read, and passed to the second reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

Among the incidents to the unexampled increase and expanding interests of the American nation, under the fostering influence of free constitutions and just laws, has been a corresponding accumulation of duties in the several departments of the Government; and this has been necessarily the greater in consequence of the peculiar state of our foreign relations, and the connexion of these with our internal Administration.

The extensive and multiplied preparations into which the United States are at length driven for maintaining their violated rights, have caused this augmentation of business to press on the Department of War particularly, with a weight disproportionate to the powers of any single officer, with no other aids than are authorized by existing laws. With a view to a more adequate arrangement for the essential objects of that department, I recommend to the early consideration of Congress a provision for two subordinate appointments therein, with such compensation annexed as may be reasonably expected by citizens duly qualified for the important functions which may be properly assigned to them.

JAMES MADISON.

APRIL 20, 1812.

THURSDAY, April 23.

The amendments to the bill, entitled "An act to continue in force 'An act to provide for persons who were disabled by known wounds received in the Revolutionary war, and for other purposes,'" having been reported by the committee correctly engrossed, the bill was read the third time as amended, and passed with amendments.

The bill authorizing the appointment of an additional judge of the district court of the district of New York, having been reported by the committee correctly engrossed, was read a third time, and passed.

The bill for the relief of Reuben Saunders and his securities, having been reported by the committee correctly engrossed, was read a third time, and passed.

The bill, entitled "An act to alter and establish certain post roads," was read the second time, and referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. TURNER, WORTHINGTON, GREGG, CONDIT, and LEIB, were appointed the committee.

Mr. DANA, from the committee appointed on the subject, further reported a bill respecting associations for maritime security, and the bill was read, and passed to the second reading.

The bill, entitled "An act authorizing the departure of ships and vessels from the ports and harbors of the United States in certain cases," was read the second time.

The bill, entitled "An act to continue in force, for a limited time, an act, entitled 'An act continuing, for a limited time, the salaries of the offi-

cers of Government therein mentioned," was read a third time, and passed.

The bill, entitled "An act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the river Mississippi and island of New Orleans," was read a third time, and passed.

Mr. CAMPBELL, of Tennessee, from the committee appointed on the subject of Tennessee lands, reported a bill to authorize the Secretary of the Treasury to issue grants and perfect titles on certain entries and locations of lands therein described; which was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill in addition to the act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio.

On the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 4th of March last.

JAMES MADISON.

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The Message and report therein referred to were read.

FRIDAY, April 24.

The bill in addition to the act to regulate the laying out and making a road from Cumberland, in the State of Ohio, having been reported by the committee correctly engrossed, was read a third time, and passed.

On motion by Mr. WORTHINGTON, the Message of the President of the United States, of the 22d instant, recommending provision for two subordinate appointments in the War Department, was referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. SMITH, of Maryland, WORTHINGTON and GILES, were appointed the committee.

The bill to authorize the Secretary of the Treasury to issue grants and perfect titles on certain entries and locations of land therein described, was read the second time.

The bill respecting associations for maritime security, was read the second time.

Mr. SMITH, of Maryland, reported, from the committee to whom was referred the memorial of Peter Hoffman, and others, owners of the ship William:

That the petitioners state that the said ship was laden with flour, between the 18th and 27th of March, cleared out on the 31st, and actually sailed on the 1st of April, on her intended voyage to Cadiz; that they had no knowledge of the intention of laying an embargo, either while loading or at the time of the sailing of said ship; that, from contrary winds and weather, she was detained in the Chesapeake until the 10th of April, when, at the distance of four leagues from Cape

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Henry, she was detained by the revenue cutter Jefferson, and ordered back to Baltimore, where she now lies; all which is proved to the satisfaction of the committee.

The committee, however, are of opinion that the case is not such as ought to induce the Senate to grant the prayer of the petition; they therefore recommend that the petitioners have leave to withdraw their memorial.

The report was agreed to.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing the departure of ships and vessels from the ports and harbors of the United States in certain cases;" and it was ordered to the third reading.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act for the establishment of a General Land Office in the Department of the Treasury," with amendments, in which they request the concurrence of the Senate. The House of Representatives have passed a bill, entitled "An act for the relief of John N. Stout;" in which bill they request the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act for the establishment of a General Land Office in the Department of the Treasury;" and concurred therein.

The bill last brought up for concurrence was read, and passed to the second reading.

Mr. BRADLEY, from the joint committee of the two Houses appointed on the subject of a recess, reported the business that demands the immediate attention of Congress, and the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the present session of Congress, the President of the Senate and Speaker of the House of Representatives shall, on the 29th day of April instant, adjourn their respective Houses to Monday, the 18th day of May next, then to meet at the same place in which the two Houses are now sitting.

On motion, by Mr. BRADLEY, the resolution was twice read by unanimous consent; and, on motion by Mr. POPE, amended, by striking out the words "eighteenth day of May next."

On the question, Shall this resolution be engrossed, and read a third time as amended, it was determined in the affirmative—yeas 18, nays 13, as follows:

YEAS—Messrs. Bradley, Condit, Crawford, Dana, German, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Pope, Reed, Smith of New York, Turner, and Worthington.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Cutts, Gaillard, Giles, Howell, Robinson, Smith, of Maryland, Tait, Taylor, and Varnum.

Mr. BRADLEY presented the petition of Simeon Knight, district paymaster, praying to be allowed one per centum on all moneys disbursed by him and passed to his credit on the settlement of his accounts by the Accountant of the Department

of War, for reasons stated at large in the petition; which was read, and referred to the Paymaster General of the Army, to consider and report thereon.

Mr. BRENT, from the committee to whom was referred the bill, entitled "An act further to amend the charter of the City of Washington," reported it with amendments, which were considered as in Committee of the Whole, and agreed to; and the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

SATURDAY, April 25.

The amendments to the bill, entitled "An act further to amend the charter of the City of Washington," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and was further amended by unanimous consent.

Resolved, That this bill pass with amendments.

Mr. LEIB presented the petition of Thomas Skelly, of the city of Philadelphia, merchant, stating that he was the owner of the brigantine called the Meteor, and that the said brigantine was captured by a British armed vessel, while on her return to the United States, on the 21st of July, 1811, and illegally condemned in the British High Court of Admiralty, and praying relief, for reasons stated at large in the petition; which was read.

Mr. SMITH, of Maryland, from the committee appointed on the subject, reported a bill supplementary to the act, entitled "An act to establish an Executive Department, to be denominated the Department of War;" and the bill was read, and passed to the second reading.

On motion, by Mr. SMITH, of New York, the petition of Nathaniel G. Ingraham and others, together with the report of the Secretary for the Department of Treasury thereon, was referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. SMITH of New York, ANDERSON, and GREGG, were appointed the committee.

The bill, entitled "An act authorizing the departure of ships and vessels from the ports and harbors of the United States, in certain cases," was read a third time, and passed.

The bill, entitled "An act for the relief of John N. Stout," was read the second time.

RECESS OF CONGRESS.

The Senate resumed the consideration of the resolution for a recess of Congress from the 29th inst. to the — day of — next.

Mr. POPE moved to fill the blank with the 4th Monday in June. The most distant day would probably accommodate the greatest number of members; and this day would be sufficiently early to take measures necessary on the expiration of the embargo.

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Mr. BRADLEY moved the second Monday, the eighth day of June. This would afford a little more than five weeks, which, he thought, would be long enough.

Mr. LEIN proposed to fill the blank with Monday the 18th day of May, which would afford a recess of about twenty days.

The question having been put on Mr. BRADLEY's motion for the 8th June,

Mr. ANDERSON said he had supposed the day fixed upon by the committee, viz: the 18th May, would have been the day. He did not himself feel the necessity of any adjournment; but, if it must take place, it ought either to be for a short time, or for so long a time as equally to accommodate all. If it were to be for a short time, it would be merely for relaxation; if for a longer time, as was now proposed, he feared it would be considered as indicative of an intention to pause in the course of measures they had commenced, and produce an impression abroad, among the people, which was much to be deprecated.

Mr. POPE said he was in favor of such a time being fixed on as should accommodate the greatest number of the members. As to the effect of an adjournment on the public mind, he imagined that the difference between a recess of twenty or thirty days would be very unimportant.

Mr. G. W. CAMPBELL said it seemed to him something like bribing the members to obtain votes, to talk about lengthening the time so as to accommodate the greatest number of members. He could not conceive it consistent with the honor of the country that they should decide the question of adjournment on the mere ground of personal convenience; he considered the only question to be, whether a recess would have a good or bad effect on the public service. He had on a former occasion stated his objection to this step, that it would produce an ill effect on the public mind. Many misrepresentations have been already made to induce the public to believe you are not in earnest. An adjournment for any length of time would seem like deserting our posts, and will put the seal on this belief. Under this view, he must vote against the adjournment, but the longer was the recess, the worse would be the effect on the public mind. He should, therefore, vote for the shortest day.

Mr. BRADLEY said, he could not see that the proposed recess would be deserting their posts at all. The nation knew that the Government could not go to war without soldiers; and sitting here would certainly not restore peace. Congress had adopted many war measures, the execution of which they had put into the hands of the Executive; they had also authorized a loan of eleven millions. And while these measures were going on, could Congress, by staying here constantly, add to the number of men, or expedite the loan? If an enemy were to invade us, without any Government at all, they would be promptly resisted. But, if we are going to war to redress grievances, to revenge injuries received, we should choose our own time. If we begin war before we

have an army, it is bringing the nation to the last state of degradation, not to consider at all the sufferings and losses which would be in such cases sustained. It would be a great error to attempt to put this country, by a forced vote of Congress, into war. You cannot lead this country to war as the butcher leads his flock to the slaughter-house. This is a Government of opinion; the public sentiment will not be driven, but must be followed. Congress have certainly done as much for the present as they can. I wish to see the effect of the measures they have taken. The Executive is clothed with all the necessary powers to make preparation for war; and if the nation will not abide by us and support the measures of Congress, it is vain to say we can force the people into a war. I believe the people will be better satisfied with a recess than with our sitting here from day to day without doing anything material, and there is nothing material at this moment to do. They are not irrational; they know that Congress have been in session six months; they must also foresee that when we come to war, the Council of the Nation must be perpetually in session; they will, therefore, not be dissatisfied at a short recess. If war be actually to take place at the expiration of the embargo, this, of all others, is the time for relaxation.

Mr. WORTHINGTON said, he was in hopes that a silent vote would have been taken on this question, but as that was not permitted, he would add a remark or two. He was sorry, to use the gentleman's own expression, that he had not such a bribe to offer the gentleman from Tennessee (Mr. CAMPBELL) as would induce him to vote for this resolution. He said he had believed that, if the shortest day proposed should be taken, the effect would be this: It could not be expected that those gentlemen who had been six or seven months from their homes and families should remain in this city; if they went home, many of them could not possibly return in twenty days; there would, on the appointed day, be no quorum in either House; and they would have to adjourn from day to day until a sufficient number appeared. When they spoke of the public interest, gentlemen should look at actions, not at professions. Mr. W. said he looked at human nature as he found it; and considering, as regarded himself, that ten days at home would be of infinite advantage to his private concerns, taking it for granted that all gentlemen had the same feelings and regards as himself, he thought it a duty he owed himself and others, as well as his country, to vote for a recess. He believed much greater injury would result from sitting here than from a recess. He believed, in a day or two, there would scarcely be a quorum of the two Houses left. Did gentlemen mean to take any great measure with a bare quorum of both Houses? He presumed they would not. Therefore, in his opinion, it would be very proper to take such time as would suit the greater number of members of both Houses. But, if that could not be attained, Mr. W. said he would still vote for a recess; for although he could

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not avail himself of the opportunity to go home, he would not prevent others who might.

The question on the insertion of the eighth day of June as the day of reassembling of the two Houses, was decided as follows:

YEAS—Messrs. Bradley, Condit, Crawford, Dana, German, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Lloyd, Pope, Reed, Robinson, Smith of New York, Turner, and Worthington—18.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Cutts, Gaillard, Giles, Howell, Leib, Smith of Maryland, Tait, Taylor, and Varnum—13.

So the motion was carried.

The question being put on the passage of the resolution as amended—

Mr. BIBB said it was painful for him to speak on this question, when he believed a majority of the Senate were determined on an adjournment; but he entreated gentlemen to weigh well what they were about. He said he could not but reprobate the mode of arguing a question of adjournment from motives of comfort or family interest; of personal convenience alone, without reference to public interest.

Mr. WORTHINGTON disclaimed any such argument as appeared to be attributed to him.

Mr. BIBB continued.—If any man should give a vote for adjournment from motives of that kind, he should reprobate such conduct. So far as gentlemen believed the public interest would not suffer from such a course, there would, indeed, be no impropriety in suffering personal convenience to have weight. But the question, said Mr. B., is, whether our affairs are in such a situation as would, in common regard to prudence, permit us to depart? What is our situation? We have made preparation for war by authorizing the raising an army. Is that army organized? Are the officers all appointed? No. I put it to gentlemen whether, from the specimen already had, of bills and supplemental bills, we may not expect other supplemental bills? Can Congress reconcile it to their consciences, to leave the seat of Government, when they see that our army is not organized, when a proposition for appointing Assistant Secretaries to the War Department, and much other detailed business, is before us? The offices of Commissary General and Quartermaster General are yet vacant; because the restrictions are such as to render them obstacles to the acceptance of persons qualified to fill those offices. This must be corrected; we must either take off some of the restrictions on these officers, or increase the salaries. There are many other defects in our present laws, which, from past experience, I am confident will require alteration. Now, sir, although I freely confess that I would not plunge the nation into war until the Executive shall tell us that we are in a sufficiently advanced state of preparation; although I would not remain here with a view of declaring war before the time of the proposed recess would expire, yet I should wish to be on the spot to complete such measures as the public service appears to require. If gentlemen desired relaxation, merely, Mr. B. said, he was content to sit but twice a week. But, what

he desired was, that a quorum of both Houses should be within call of their presiding officers, ready to receive Executive communications, and act whenever it should be necessary. How could they justify to their constituents a recess at this moment, if, in three weeks after they should have parted, an attack should be made on any quarter of the United States? Much was yet to do before the United States were ready for war; and if they were now to adjourn, very serious detriment to the public interest would, he had no doubt, be the result.

Mr. POPE said, if there was to be a recess, in fairness, it ought to be so ordered as to consult thereby the convenience of as many members as possible. Why was there to be a recess at all? For the accommodation of members of Congress. Ought not that accommodation, then, to be made equal? For himself, said Mr. P., he neither liked the recess nor staying here. He could not be pleased, whether the resolution passed or was negatived. If the resolution did pass, he wished it to pass in a shape which should afford an equal chance to all. He had understood that the Executive had been consulted, and had no communications to make requiring immediate attention. If it would be no prejudice to the public interest, he had no objection to afford the longest time. On these grounds he had voted for the longest day, though he had serious doubts as to the propriety of a recess at all.

The question was then taken by yeas and nays as follow:

YEAS—Messrs. Bradley, Condit, Crawford, Dana, German, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Lloyd, Reed, Smith of New York, Turner, and Worthington—16.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Cutts, Gaillard, Giles, Howell, Leib, Pope, Robinson, Smith of Maryland, Tait, Taylor, and Varnum—15.

So it was, on the part of the Senate,

Resolved, by the Senate and House of Representatives in Congress assembled, That, during the present session of Congress, the President of the Senate and Speaker of the House of Representatives shall, on the 29th day of April instant, adjourn their respective Houses to Monday the 8th day of June next, then to meet at the same place in which the two Houses are now sitting.

MONDAY, April 27.

The bill supplementary to the act, entitled "An act to establish an Executive Department, to be denominated the Department of War," was read the second time.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to extend the right of suffrage in the Illinois Territory, and for other purposes;" in which they request the concurrence of the Senate. They have passed the bill which originated in the Senate, entitled "An act making further provision for the Corps of Engineers," with amendments, in which they request the concurrence of the Senate.

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The bill last brought up for concurrence was read, and passed to the second reading.

On motion, by Mr. VARNUM, the amendments of the House of Representatives to the bill, entitled "An act making further provision for the Corps of Engineers," was referred to a select committee, to consider and report thereon; and Messrs. SMITH of Maryland, VARNUM, and BAYARD, were appointed the committee.

Mr. SMITH, of Maryland, from the committee to whom were referred the amendments to the bill last mentioned, made report. Whereupon,

Resolved, That the Senate concur in the amendments of the House of Representatives to the said bill.

The Senate resumed, as in Committee of the Whole, the bill concerning merchant vessels armed for defence; and the further consideration thereof was postponed until to-morrow.

Mr. LEIN, from the committee appointed to consider the subject, reported a bill allowing an annuity to Arthur St. Clair; and the bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the bill to authorize the State of Tennessee to issue grants and perfect titles on certain entries and locations of land, therein described; and the further consideration thereof was postponed to, and made the order of the day for, Wednesday next.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of John N. Stout;" and on motion, by Mr. POPE, it was referred to a select committee, to consider and report thereon; and Messrs. POPE, BRENT, and GREGG, were appointed the committee.

The PRESIDENT communicated a report of the Paymaster General of the Army, on the petition of Simeon Knight, district paymaster, which was read, and ordered to be printed for the use of the Senate.

Mr. GREGG presented the memorial of Thomas P. Cope, and others, stating that, some time subsequent to the proclamation of the President of the United States, of the 2d of November, 1810, their brig *Daphne* cleared from Philadelphia for Calcutta. That, in consequence of the non-importation law, they have ordered the said vessel, and a return cargo, amounting to 239,000 dollars, to the island of St. Bartholomews; that the said vessel and cargo is exposed to capture and depredation in the event of war, and to condemnation should she enter a port in America. They, therefore, pray permission for the said vessel to enter an American port, there to remain and be disposed of as subsequent events may dictate; and the memorial was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. GREGG, LLOYD, and SMITH of Md., were appointed the committee.

Mr. SMITH, of New York, from the committee to whom was referred the petition of Nathaniel G. Ingraham, and others, presented a bill to discharge from imprisonment the persons therein mentioned; and the bill was read, and passed to the second reading.

TUESDAY, April 28.

The bill allowing an annuity to Arthur St. Clair was read the second time.

The bill, entitled "An act to extend the right of suffrage in the Illinois Territory, and for other purposes," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. GREGG, GOODRICH, and VARNUM, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill concerning merchant vessels armed for defence; and, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill respecting associations for maritime security; and on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

Mr. LEIB submitted the following resolution:

Resolved, That the President of the Senate and Speaker of the House of Representatives adjourn the respective Houses of Congress on Wednesday, the 6th of May, to Monday, the 25th of May.

And the resolution was read, and passed to the second reading.

The bill to discharge from imprisonment the persons therein mentioned was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill supplementary to the act, entitled "An act to establish an Executive Department, to be denominated the Department of War;" and the bill having been amended, the PRESIDENT reported it to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

Mr. POPE gave notice that to-morrow he should ask leave to bring in a bill more effectually to protect the commerce and coasts of the United States, and for other purposes.

On motion, by Mr. WORTHINGTON, to suspend the twelfth rule for conducting business in the Senate, as respects the resolution this day offered authorizing the President of the Senate and Speaker of the House of Representatives to adjourn the respective Houses of Congress, it was determined in the affirmative—yeas 12, nays 9, as follows:

YEAS—Messrs. Condit, German, Gregg, Howell, Hunter, Lambert, Leib, Lloyd, Smith of Maryland, Smith of New York, Turner, and Worthington.

NAYS—Messrs. Bayard, Bibb, Crawford, Dana, Gilman, Goodrich, Robinson, Tait, and Varnum.

On motion, by Mr. WORTHINGTON, the resolution was read the second time.

On the question, Shall this resolution be engrossed and read a third time? it was determined in the affirmative.

Mr. GILMAN, from the committee, reported the resolution last mentioned correctly engrossed.

And on motion, the Senate adjourned until to-morrow.

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WEDNESDAY, April 29.

The Senate resumed as in Committee of the Whole, the bill to authorize the State of Tennessee to issue grants and perfect titles on certain entries and locations of land therein described; and, after debate, it was agreed that the further consideration thereof be postponed until to-morrow.

On motion, by Mr. LEIB, the engrossed resolution authorizing the President of the Senate and Speaker of the House of Representatives to adjourn the respective Houses of Congress was read a third time.

On the question, Shall this resolution pass? it was determined in the affirmative—yeas 16, nays 12, as follows:

YEAS—Messrs. Bavard, Condit, Dana, German, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Smith of New York, Turner, and Worthington.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Crawford, Cutts, Gaillard, Pope, Robinson, Tait, Taylor, and Varnum.

So it was resolved that the President of the Senate and Speaker of the House of Representatives adjourn the respective Houses of Congress on Wednesday, the 6th of May, to Monday, the 25th of May.

Ordered, That the Secretary request the concurrence of the House of Representatives in this resolution.

The bill supplementary to the act, entitled "An act to establish an Executive Department, to be denominated the Department of War," having been reported by the committee correctly engrossed, was read a third time as amended, and passed.

A message from the House of Representatives informed the Senate that the House have postponed, indefinitely, the resolution proposing an adjournment of the two Houses of Congress on the 29th of April, to the 8th of June next. They have passed a bill, entitled "An act for the relief of John Thompson;" also, a bill, entitled "An act making additional appropriations for the support of Government for the year 1812;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

Mr. BRENT presented the petition of John and Thomas Vowell, and others, merchants, of Alexandria, stating that they are owners of property to a large amount in England; and in English ports, and praying that the non-importation law may be repealed, or so modified as to admit the importation of British goods to the amount of American claims, for reasons stated at large in the petition; which was read.

Mr. VARNUM presented the petition of Jonathan Grout, of Philadelphia, praying Congress to authorize the purchase of his patent right to a new and improved mode of conveying intelligence, and giving signals, by telegraphs; and the petition was read, and referred to a select committee, to consider and report thereon by bill or other-

wise; and Messrs. VARNUM, LEIB, and BRENT, were appointed the committee.

MARITIME DEFENCE.

Mr. POPE asked and obtained leave to bring in a bill more effectually to protect the commerce and coasts of the United States; and the bill was read, and passed to the second reading.

The bill is as follows:

A Bill more effectually to protect the commerce and coasts of the United States.

Whereas the British and other armed vessels have harassed and committed depredations on the commerce of the United States on or near the coasts thereof, in violation of the laws of nations; therefore,

Be it enacted, &c., That it shall be lawful for the President of the United States, and he is hereby authorized, to instruct and direct the commanders of the armed vessels belonging to the United States to seize, take, and bring into any port of the United States, to be proceeded against according to the laws and usages of nations, any such British or other armed vessel which shall have committed, or which shall be found hovering on the coasts of the United States for the purpose of harassing or committing depredations on the vessels belonging to the citizens thereof.

The bill respecting associations for maritime security having been reported by the committee correctly engrossed, was read a third time, and passed. The bill is as follows:

A Bill respecting Associations for Maritime Security.

Be it enacted, &c., That in cases wherein the arming of vessels for defence may be allowed according to the laws of the United States, it may be agreed on the part of the citizens of the United States in pursuance of this act, that ships or vessels by them owned shall sail in concert and be associated for assistance and protection in any voyage or voyages not contrary to law, and during any time or times which may be designated by instrument of writing executed by the owners or their authorized agents. The stipulations of the parties contained in such instrument may extend to the equipment and force of the vessels respectively; the relative authority of the masters or commanders; the appointment of places and times of rendezvous and sailing; the regulation of signals; the direction of the general course of the voyage or voyages; the orders to be observed in cases of separation or danger; and the making of arrangements for conducting and managing the respective vessels, as may be most effectual for assistance in any case of peril or misfortune; and, for protecting all or any of them against forcible seizure or annoyance: *Provided*, That no such agreement or stipulation shall contravene the instructions or orders which may be given by the President of the United States for preventing any unlawful proceedings; and in cases touching the use of any armament or armaments, the masters or commanders of vessels which may be so associated, shall be under the control of such instructions or orders.

SEC. 2. *Be it further enacted*, That the respective ships or vessels shall be holden for any stipulations as aforesaid contained in such instrument concerning them, and shall accordingly be chargeable for any compensation which may justly be demanded on account of failure to perform the same, as well as for satisfying any reasonable claim of contribution on account of loss or damage incurred in pursuance thereof. The rates of

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contribution shall be apportioned to and among the respective vessels or owners thereof, as the parties may have agreed by such instrument; otherwise the apportionment may be adjusted by the discretion of the competent court: *Provided*, That no ships or vessels shall be so holden unless a copy of the instrument concerning them as aforesaid shall have been certified by the owners or agents, and deposited with a collector of the customs or with the clerk or register of a court, having admiralty or maritime jurisdiction, or, in case of being in a foreign country, with a consul or agent of the United States: *Provided, also*, That none but citizens of the United States shall be permitted, directly or indirectly, to have or claim benefit of any agreement or stipulation as aforesaid.

SEC. 3. *And be it further enacted*, That the courts of the United States having cognizance of causes of admiralty and maritime jurisdiction, shall take cognizance of complaints and controversies touching the premises; and proceedings may be had therein according to the course of such courts respectively, as in other cases of admiralty or maritime jurisdiction. But nothing herein contained shall be construed to deprive suitors of a remedy at common law, or in equity, wherever the same may be competent.

The bill concerning merchant vessels armed for defence having been reported by the committee correctly engrossed, was read a third time, and passed. The bill is as follows:

A Bill concerning Merchant Vessels armed for defence.

Be it enacted, &c., That, from and after the — day of —, in the present year, the arming of vessels for defence shall be subjected to the following regulations:

SEC. 2. *Be it enacted*, That no merchant vessels armed or provided with the means of being armed at sea, shall be cleared or permitted to depart on foreign voyages, unless the same be registered and duly owned and navigated as ships and vessels of the United States. And any such ship or vessel of the United States if not bound on some voyage beyond the southern cape of Africa or America, may be restrained and prevented from going to sea with such armament or means of armament, unless bond to the United States be given by the managing owner, or agent, and the master or commander thereof, with responsible surety or sureties in a penal sum not exceeding — dollars, with condition that such ship or vessel shall not proceed to any port known to be actually blockaded, nor carry contraband articles to the dominions of any Power engaged in war against such as may be at peace with the United States; and that such armament or means of armament shall not be used for purposes contrary to the laws or treaties of the United States or the rules of public law by the United States acknowledged, but that the instructions which may be given by the President of the United States for preventing any infraction of such laws, treaties, or rules, shall be observed with respect to such ship or vessel in the destined voyage or voyages; and that satisfaction shall be made for all damage and injury, if any should be committed, in contravention thereof; which bond may be sued in the name of the United States, before any competent court of the United States. And whatever may be recovered thereon shall be for their use, except so much as the court may order to be paid for making such satisfaction as shall appear reasonable in any case of damage or injury. But the restrictions herein contained shall not be considered applicable to

vessels which may be armed in virtue of any grants of letters of marque and reprisal under authority of the United States.

SEC. 3. *And be it further enacted*, That whenever security shall have been given by bond as aforesaid with respect to a ship or vessel of the United States, duly owned and navigated as such, which may be armed or provided with means as aforesaid for defence, and bound on any foreign voyage or voyages not contrary to law, the same shall be permitted to depart on such destination: and the collector of the customs for the district from which the ship or vessel may be about to depart, in addition to the clearance for the same, shall furnish an official document to this effect, and as nearly as may be convenient according to the following form:—
"To all whom it may concern: It is made known, that the ship or vessel called the [inserting here the vessel's name] of [inserting the name of the port to which the vessel belongs] having [inserting the number] deck with [inserting the number] mast and [specifying whether any or no] head and [specifying whether any or no] gallery, of the burden of [inserting the number] tons as registered, and carrying [inserting the number of mounted] guns, whereof — [naming the person] is at present master or commander, being a [describing the kind of vessel, whether ship, snow, brigantine, schooner, sloop, or otherwise] duly owned and navigated as a merchant vessel of the United States of America, armed for defence, and bound for —, is permitted to depart on destined voyage [or voyages, as may be proper] responsible security having been given according to the act of Congress, entitled "An act concerning merchant vessels armed for defence."

"Given under the seal of office, at the port of" [expressing the port and district, and specifying the day and year of the date in words at length:] *Provided*, That additions or variations may be made as shall appear proper in particular cases for the better description of vessels or armaments.

SEC. 4. *And be it further enacted*, That it shall be lawful for the President of the United States to give directions, as in his opinion may be proper, for causing to be prepared a sufficient number of forms of such documents, which shall be attested by the Secretary, under seal of the Department of State, with proper blanks to be filled by the collectors respectively to whom the same shall be transmitted. Before any such document shall be furnished for a ship or vessel, it shall be sealed and signed by the proper collector, and countersigned by the naval officer or by the surveyor, if there be one, but no naval officer. And the documents so furnished shall be transcribed in some proper book to be kept for the purpose by the collector, who shall be entitled to like fees for the same as for certificates of registry: *Provided, always, and it is declared*, That this act shall not be construed to prevent ships or vessels bound for any of the ports, places, or countries, beyond the southern cape of Africa or America, from going armed as has been usual in such cases, nor to affect any foreign armed vessel which may have been admitted as such within the territorial jurisdiction of the United States.

THURSDAY, April 30.

The bill more effectually to protect the commerce and coasts of the United States was read the second time, and referred to a select committee, to consider and report thereon; and Messrs.

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POPE, BAYARD, and SMITH, of Maryland, were appointed the committee.

The bill, entitled "An act for the relief of John Thompson," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. SMITH, of Maryland, GREGG, and SMITH, of New York, were appointed the committee.

The bill, entitled "An act making an additional appropriation for the support of Government for the year 1812," was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the State of Tennessee to issue grants and perfect titles on certain entries and locations of land therein described; and, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill allowing an annuity to Arthur St. Clair; and, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative—yeas 15, nays 7, as follows:

YEAS—Messrs. Anderson, Bayard, Bibb, Crawford, German, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Smith of Maryland, and Worthington.

NAYS—Messrs. Condit, Cutts, Robinson, Smith of New York, Tait, Turner, and Varnum.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the cutting and making a canal from the river Potomac around the west end of the dam or causeway from Mason's island, and for other purposes;" in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

Mr. LLOYD presented the memorial of five hundred and thirty-five merchants of Boston, praying the repeal, or such modification, of the non-importation act, as may enable them to receive their property now in Great Britain and her dependencies; which was read, and referred to a select committee, to consist of five members, to consider and report thereon by bill or otherwise; and, in the mean time, that it be printed for the use of the Senate.

MESSRS. LLOYD, TAYLOR, GREGG, LEIB, and SMITH of Maryland, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to discharge from imprisonment the persons therein mentioned; and, after debate, the further consideration thereof was postponed until to-morrow.

On motion, by Mr. SMITH, of New York,

Resolved, That the Secretary of the Senate be authorized to pay, out of the contingent fund, the expenses incurred for the funeral of the late VICE PRESIDENT of the United States, whenever the same shall have been allowed and certified by the committee of arrangement.

FRIDAY, May 1.

The bill to authorize the State of Tennessee to issue grants and perfect titles on certain entries and locations of land therein described, having been reported by the committee correctly engrossed, was read a third time.

On the question, Shall this bill pass? It was determined in the affirmative—yeas 18, nays 6, as follows:

YEAS—Messrs. Anderson, Bayard, Campbell of Tennessee, Condit, Cutts, Gaillard, Gilman, Goodrich, Horsey, Howell, Hunter, Lambert, Lloyd, Robinson, Smith of Maryland, Smith of New York, Tait, and Varnum.

NAYS—Messrs. Bibb, Crawford, Dana, German, Taylor and Turner.

So it was *Resolved*, That this bill pass, and that the title thereof be "An act to authorize the State of Tennessee to issue grants and perfect titles on certain entries and locations of land therein described."

Mr. SMITH, of Maryland, from the committee to whom was referred the bill, entitled "An act for the relief of John Thompson," reported it without amendment.

Mr. TURNER, from the committee to whom was referred the bill entitled "An act to alter and establish certain post roads," reported it without amendment.

Mr. LEIB presented the petition of Ninian Pinkney, now a Captain in the Army, stating that, on the 20th of August, 1808, he was appointed brigade inspector, *pro tempore*, and that he performed the duties thereof at New Orleans, and has received the emoluments attached to said office, up to the 31st of May, 1810, but, on his arrival at the Seat of Government, was required by the Department of War to refund, on the plea that the appointment was inadmissible, and praying relief, for reasons stated in the petition, which was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. LEIB, HOWELL, and SMITH of Maryland, were appointed the committee.

The bill allowing an annuity to Arthur St. Clair having been reported by the committee correctly engrossed, was read a third time, and on motion, by Mr. LEIB, to fill the blank with the words "five hundred dollars," it was determined in the negative; and, on motion to fill the blank with the words "four hundred and fifty dollars," the votes being equal, the President determined the question in the affirmative.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 17, nays 9, as follows:

YEAS—Messrs. Anderson, Bayard, Bibb, Crawford, Dana, German, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Smith of Maryland, and Worthington.

NAYS—Messrs. Condit, Cutts, Gaillard, Robinson, Smith of New York, Tait, Taylor, Turner, and Varnum.

So it was *Resolved*, That this bill pass, and that the title thereof be "An act allowing an annuity to Arthur St. Clair."

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Mr. GREGG, from the committee to whom the subject was referred, reported a bill to admit the entry of vessels of the United States, on certain conditions; and the bill was read, and passed to the second reading.

[This bill embraces cases of vessels "which may have been laden in any of the ports of India, and whose master, supercargo, or owner, may have been compelled to give bond, under some penalty, that their respective cargoes shall be landed in some part of the United States;" provided the duties be paid, and the goods stored in the public stores, under the care of the collectors, subject to the future disposition of the Government.]

On motion, by Mr. BAYARD, the bill to discharge from imprisonment the persons therein mentioned was recommitted to a select committee, with instructions to inquire into, and report the facts of the case; and Messrs. BAYARD, SMITH of New York, and GERMAN, were appointed the committee.

The bill, entitled "An act authorizing the cutting and making a canal from the river Potomac around the west end of the dam or causeway from Mason's island, and for other purposes," was read the second time.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act making additional appropriations for the support of Government for the year 1812;" and the bill having been amended, the President reported it to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

Mr. GREGG presented the memorial of James Wilkinson, stating that he has been stigmatized as a public defaulter; but that, so far from deserving that charge, he can make it appear that the public are indebted to him, and praying an inquiry into his case may be instituted, and such decision thereon as may be compatible with justice and equity; and the memorial was read.

On motion, by Mr. GREGG, this memorial, and that presented the last session, together with the report on the memorial last mentioned, was referred to a select committee, to consist of five members, to consider and report thereon by bill or otherwise; and Messrs. GREGG, SMITH of Maryland, TAYLOR, VARNUM, and ANDERSON, were appointed the committee.

MONDAY, May 1.

The amendment to the bill, entitled "An act making additional appropriations for the support of Government for the year, 1812," was reported by the committee correctly engrossed.

A bare quorum attending, the Senate adjourned.

TUESDAY, May 5.

Mr. LEIB, from the committee appointed to consider the subject, reported a bill for the relief of Ninian Pinkney, and the bill was read, and passed to the second reading.

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The bill to admit the entry of vessels of the United States on certain conditions, was read the second time.

The Senate resumed, as in Committee of the Whole, the bill authorizing a subscription for the Laws of the United States; and the further consideration thereof was postponed to the first Monday in December next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of John Thompson;" and it was ordered to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to alter and establish certain post roads."

Ordered, That it pass to a third reading.

On motion, by Mr. HORSEY, the bill, entitled "An act authorizing the cutting and making a canal from the river Potomac around the west end of the dam or causeway from Mason's Island, and for other purposes," was referred to a select committee, to consider and report thereon; and Messrs. HORSEY, BRENT, and WORTHINGTON, were appointed the committee.

Mr. LLOYD, from the committee to whom was referred the memorial of a large number of the merchants of Boston, praying the repeal or modification of the non-importation act, stated that they had instructed their chairman to report that it is inexpedient to grant the prayer of the petitioners.

A message from the House of Representatives informed the Senate that the House do not concur in the resolution proposing a recess from the 6th to the 25th of May. They have passed a bill, entitled "An act for the relief of the citizens of Venezuela;" a bill, entitled "An act for the better regulation of the ordnance;" a bill, entitled "An act for the relief of Thomas F. Reddick;" a bill, entitled "An act making further provision for the Army of the United States;" a bill, entitled "An act to authorize the election of sheriffs in the Indiana Territory, and for other purposes;" also a bill, entitled "An act to incorporate the trustees of Washington College;" in which bills they request the concurrence of the Senate.

They have passed the bill which originated in the Senate, entitled "An act for designating, surveying, and granting the military bounty lands," with an amendment, in which they ask the concurrence of the Senate; also, the bill, entitled "An act supplementary to the act, entitled 'An act to establish an Executive Department, to be denominated the Department of War,' with an amendment, in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act for designating, surveying, and granting the military bounty lands," and concurred therein.

On motion, by Mr. BAYARD, the bill, entitled "An act for the relief of the citizens of Venezuela," was read the second time by unanimous consent; and, on motion by Mr. CAMPBELL, of Tennessee, it was referred to a select committee,

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to consider and report thereon; and Messrs. CAMPBELL, of Tennessee, BAYARD, and SMITH, of Maryland, were appointed the committee.

On motion, by Mr. GERMAN, that the further consideration thereof be postponed to the first Monday in December next, it was determined in the negative—yeas 11, nays 13, as follows:

YEAS.—Messrs. Bayard, Bibb, Crawford, German, Goodrich, Gregg, Horsey, Leib, Lloyd, Smith, of Maryland, and Turner.

NAYS.—Messrs. Anderson, Brent, Campbell, of Tennessee, Condit, Cutts, Dana, Gaillard, Gilman, Howell, Robinson, Tait, Varnum, and Worthington.

On motion, by Mr. BAYARD, the further consideration thereof was postponed until to-morrow.

The six bills last brought up for concurrence were read, and passed to the second reading.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act supplementary to the act, entitled 'An act to establish an Executive Department, to be denominated the Department of War.'"

The bill, entitled "An act making additional appropriations for the support of Government for the year 1812," was read a third time as amended; and, on motion by Mr. LEIB, it was referred to a select committee, to revise the item respecting marshals, and report thereon; and Messrs. ANDERSON, LEIB, and TURNER, were appointed the committee.

WEDNESDAY, May 6.

The bill for the relief of Ninian Pinkney was read the second time.

Mr. CAMPBELL, of Tennessee, from the committee to whom was referred the bill, entitled "An act for the relief of the citizens of Venezuela," reported it without amendment; and the bill was considered as in Committee of the Whole, and ordered to a third reading.

The bill, entitled "An act to incorporate the Trustees of Washington College," was read the second time.

The bill, entitled "An act for the better regulation of the ordnance," was read the second time.

The bill, entitled "An act making further provision for the Army of the United States," was read the second time.

On motion, by Mr. GREGG, the two last mentioned bills were severally referred to a select committee, to consider and report thereon; and Messrs. ANDERSON, SMITH, of Maryland, and VARNUM, were appointed the committee.

The bill, entitled "An act to authorize the election of sheriffs in the Indiana Territory, and for other purposes," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. WORTHINGTON, BAYARD, and TAIT, were appointed the committee.

The Senate resumed the consideration of the amendment of the House of Representatives to the bill, entitled "An act supplementary to the act, entitled 'An act to establish an Executive

Department, to be denominated the Department of War."

On motion, by Mr. LEIB, the further consideration of the bill and amendment was postponed to the first Monday in June next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to annex a part of West Florida to the Mississippi Territory," in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

The bill, entitled "An act for the relief of Thomas F. Reddick," was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to admit the entry of vessels of the United States on certain conditions.

On the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

The bill, entitled "An act for the relief of John Thompson," was read the third time, and passed.

The bill, entitled "An act to alter and establish certain post roads," was read a third time, and passed.

On motion by Mr. SMITH, of Maryland, the bill, entitled "An act for the relief of the citizens of Venezuela," was read the third time, by unanimous consent, and passed.

MEMORIAL OF BOSTON MERCHANTS.

The Senate resumed the consideration of the report of the committee made yesterday on the memorial of a large number of the merchants of Boston.

On motion by Mr. LLOYD, that the report on the memorial of the merchants of Boston, praying for leave to withdraw their property from Great Britain and her dependencies, be again referred to a committee, with instructions to bring in a bill for the relief of the petitioners—

A motion was made by Mr. SMITH, of Maryland, that the further consideration thereof be postponed to the first Monday in June next.

On this motion Mr. SMITH addressed the Chair as follows:

Mr. President: I have made the motion for postponement because I am unwilling that a conclusive vote on the question should be taken at this time. When members place their names on record there is an unwillingness to retract their vote, when a more suitable time for decision occurs. That time will be, on the arrival of the *Hornet*, which must certainly happen before the first of June; and from the information which she will bring, we shall be enabled to vote more advisedly. This subject being before the Senate, I will be permitted to take a short view of our political relations as they bear upon this particular object.

The non-intercourse law prohibited all intercourse between the United States and Great Britain and France. It, however, authorized the President, in case either of these Powers should so repeal or modify their unjust acts, as that they

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should cease to violate the neutral rights of the United States, to relieve such nation from the operation of this act. Great Britain, by her Minister, Mr. Erskine, did agree, that her odious Orders in Council should be repealed, and the President (with a promptitude that did him credit) declared by proclamation, that the commerce between the United States and Great Britain should be restored, and all America applauded the act. The negotiation made by Mr. Erskine, contrary to the opinion of every enlightened man, and to the astonishment of our Government, was disavowed by the King of Great Britain. What was the conduct of our Executive on being informed of the disavowal? It was that which gratified every American. He instantly imposed the non-intercourse on Great Britain, and placed that nation precisely in the same situation in which she was when Mr. Erskine's arrangement took place. And, sir, I believe that, in doing so, he met with the approbation of every good man. He certainly had mine. The non-intercourse law continued until May, 1810, when it expired by its own limitation. I state this, Mr. President, because a confusion has arisen from the various laws which have passed on this subject, and many well informed men have believed, and do now believe, that the non-intercourse law existed against both nations when the present restrictions were imposed on our commerce with Great Britain. Not so, Mr. President. At that time our trade was unrestricted by any law of the United States. But Congress, in the same month of May, 1810, passed an act, by which the President was authorized, in the event of either France or England repealing her unjust acts, or so modifying the same that they would no longer affect our neutral rights, to impose certain sections of the non-intercourse law on the nation refusing to do us justice, which sections amount to a non-importation. This act was made known to both nations; and France, embracing the proposition, did by the letter of her prime Minister, the Duke of Cadore, under date of the 5th August, 1810, promise to revoke the Berlin and Milan decrees, so far as they relate to the United States, on condition; with which condition the President complied by issuing his proclamation of the second of November, in which, agreeably to the act of May, 1810, he declared that all importations from Great Britain and her possessions should cease on the 2d February, 1811; unless that nation should, previously thereto, repeal or modify her Orders in Council. Great Britain refused to do this, and has pertinaciously adhered to a system injurious to the interest of both nations. Mr. President, I was among those who approved of the proclamation of the President of the United States, interdicting all importations from Great Britain. It appeared to me to be a strict compliance with the tenor of the law; for, sir, I did believe, that all credit was due to the solemn declarations of nations, made officially by their public ministers, and I, therefore, justified the President for the confidence he had placed in

those solemn assurances. I did expect that a decree, revoking the Berlin and Milan decrees, "so far as they related to the United States," would have been issued immediately after the Emperor should have seen the act of Congress confirming the proclamation. Indeed, sir, I thought it ought to have been issued immediately after he had seen the proclamation.

Has any such decree yet issued? No! Has France practically complied with her promise made in the letter of the 5th August 1810, signed by the Duke de Cadore? If she has, Mr. President, then are we bound, the national faith and honor are bound, and no consideration ought to induce the Senate to agree to the motion of the honorable gentleman (Mr. LLOYD.) But if France has not complied with her engagement, if her cruisers, as well public as private, continue, under the authority of the Emperor, to act in the manner authorized by the Berlin and Milan decrees, then our honor calls upon us, the national honor imperiously calls upon us to place both nations precisely in the situation in which they were when the proclamation of the President, dated November 2, 1810, was issued; nor ought the doing so to affect the ulterior measures contemplated against Great Britain. In acting thus, our conduct will be exactly correspondent with that adopted by the Executive, on his being informed that Great Britain had disavowed the arrangement entered into with Mr. Erskine. This we are bound to do, if even we should immediately thereafter enact a law interdicting all importation from both nations. Nay, sir, men of nice notions of honor will believe that we cannot honorably pursue the war with Great Britain until we have freed ourselves from the deception practised upon us by France, if (as is asserted) she has not complied with her part of the compact. What evidence have we that France has not complied? The document before me from the Secretary of State, respecting the trade to the Baltic, proves that French privateers have completely blockaded the Sound, which is the usual entrance to that sea; that they capture every American vessel in their power bound either up or down, and send their papers to Paris, where they are condemned by the order of the Emperor. It may not be amiss to give a view of this course of conduct; for to gentlemen unacquainted with commerce it may be useful. Mr. Erving, our Minister at Denmark, was sent to Copenhagen to use the best means in his power to induce the King to put a stop to the depredations committed on our commerce by the Danish privateers. He was well received, and being of opinion that our trade would meet with few interruptions in future, he advised thereof the American Consuls in Sweden and Norway, where our vessels usually stop for information. What was the consequence? Why, that the Americans, thus relieved from danger, as they supposed, took the usual course through the Sound, to all the ports in the Baltic, and many went safe. The French, informed of this friendly conduct of the King of Denmark, despatched a number of privateers

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to the Sound, completely blockaded it, and captured, without distinction, every American they could. The number thus captured was not, it is true, very great, for the news flew on the wings of the wind, and the Americans were thereafter, for safety, compelled to mingle with the British convoys. Indeed, several which had assembled at Elsinore were saved by a convoy granted by the King of Denmark.

Mr. President, the first notice of the French blockade of the Baltic was capture and consequent condemnation on various pretexts. One vessel was condemned (it appears by the proceedings of the court of Paris) because she had come to anchor in a port in Sweden, where, by accident, there was a British armed vessel. But, sir, another reason for presuming that France has not complied with her part of the compact, is the late burning, by a French squadron which issued from Naniz the 10th day of January last, of every American vessel they met having a cargo on board. The ground assigned by the commanders of those vessels, not verbally only, but by certificates signed by themselves, is, because the vessel, so burnt, was bound to or from a port of the enemy of France, and this they certify they do by order of the Minister of the French Marine, being precisely the Berlin and Milan decrees put in full force against the vessels of the United States. This information comes to us in a shape scarcely questionable; but as the Hornet must soon arrive, and as the President will by her receive such information as will put the subject beyond a doubt, either in one way or the other; and as I know that some gentlemen are unwilling to vote without official information, I have thought it most proper to propose the postponement, until such time as must give us such information.

Mr. President, before I sit down, it may not be unworthy of remark, that the French burning squadron left France five days after the departure of the frigate Constitution, at which time (the 5th January) Mr. Barlow was flattered with the expectation that he would succeed in every object of his mission.

Mr. LLOYD said, knowing as he did the disposition of the Senate, he should probably not have troubled them with any remarks on this occasion, had he not, in compliance with official usage, and the instructions of committee, been the organ of a report repugnant alike to his feelings and opinions—hostile, as he believed, to the interest of the nation, and adverse to the petitioners, who were a large body of his constituents—his fellow-townsmen, many of whom he personally knew—who were equal in respectability to any class of citizens in the United States, and who had a deep interest in the decision of the question—a question on which, in many cases would depend the loss or preservation of the fruits of many years of their industry, and the continuance of their occupations, and perhaps subsistence, and which, if decided adversely, might reduce some of them from ease and affluence to penury and embarrassment.

This claim arises from the prosecution of an honorable, a lucrative and accustomed trade, which had met the approbation of Government, and to the revenues of which it had largely contributed—he alluded to the trade with Great Britain. In the prosecution of this trade formerly the merchants of the United States were almost invariably the debtors; they obtained their goods on a credit not unfrequently of twelve months, but for a few years past the course of the trade had almost entirely changed. Owing to the extension of commerce—the diffusion of wealth and capital—the increased ability of the merchants of the United States—the facilities afforded by the banks—and the unexampled depression of the course of exchange, the merchants of Great Britain had in their turn become the bankers and debtors of those of the United States, the latter of whom now very generally, instead of purchasing goods in England, on credit, remitted exchange at the time of furnishing their orders for shipments.

These orders, it is very well known to every man in the smallest degree conversant with the trade, must be in the hands of the manufacturers several months before they can be executed, being principally given for articles calculated for a particular market and not suited for any other. This is more especially the case with the importers of hardware and cutlery, who are obliged to give their orders, six, nine, or perhaps twelve months in advance, and so soon as an order is delivered, it becomes a compact, which cannot be dissolved but with the consent of all the parties engaged in it. Thus are situated some of the petitioners, several of whom had transmitted their orders prior to the issuing of the President's proclamation of November 2, 1810, but which could not be executed and got ready for shipment by the 2d of February, 1811, when the trade was closed. On this class of petitioners, the non-importation act, therefore, has a most unjust and complete *ex post facto* operation—they are punished for the prosecution of their lawful trade, and for not knowing what did not exist. The claim of this class of petitioners, then, is incontrovertible, and if the trade is to continue interdicted, and a sacrifice is required to be made for the public good, it is the duty of the nation and not the individual to sustain it.

It has been said, the merchants ought to have been aware of the state of the country—that the Government gave them ample warning of the crisis that was approaching, and they should have forborne their adventures. On the contrary, sir, the Government, when it renewed the non-importation act, left entirely open the export trade—by so doing it sanctioned that trade, and tacitly invited the merchants to engage in it. In what did this export trade consist? Principally in grain and flour shipped to the ports possessed by the British in Portugal and Spain—to Lisbon and Cadiz. It was well known that Spain and Portugal, as countries, were devastated, and wholly exhausted. They were utterly destitute of produce wherewith to make returns.

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It was perfectly well understood that payments could alone be received by drafts on England—for their specie could not be withdrawn from thence—the exportation of it is prohibited under very heavy penalties, perhaps capital ones—the only resource then which remained to realize the property, was by bills of exchange from America, and this channel has completely failed for the want of objects in which the purchasers could invest the property so long as importations were prohibited. Thus, then, are the merchants totally barred from realizing their funds arising from a trade encouraged by their own Government, and the proceeds of which have entered in a country, where alone, from the nature of that trade, it could not but be deposited; and hence then it follows, that the importing and exporting merchants have both a well-founded claim on the aid of Government before war commences, for the acquisition of their property—indeed no man could rationally suppose the Government would commence a war with the exclusion of it. So far from it, that it has been a generally received opinion, if war were actually intended, the ports of the United States would be first opened for importations; and if it be desirable on the part of the Government, as it seems to be its wish to impress on the people the probability or certainty of war, the doing this, attended with corresponding measures of preparation, would effect it much more readily than by any other step that could be taken.

But it is said, the United States are pledged to France. Trite and tiresome as this topic has become, he must be allowed briefly to retrace it.

By the act of May 1, 1810, it was provided that in case either Great Britain or France should, before the 3d of March, 1811, so revoke or modify her edicts as that they should cease to violate the neutral commerce of the United States, the President should declare the fact; and if the other nation did not in like manner revoke or modify her edicts within three months thereafter, the restrictions on the commerce of the nation so refusing should be revived.

On the 5th August, 1810, the Duke of Cadore addressed a note to Mr. Armstrong stating that the decrees of France were revoked, and would cease to operate on the 1st of November succeeding.

On the 2d of November the President issued his proclamation, declaring that the French decrees were revoked, and importations from Great Britain subsequently to the 2d of February, 1811, were of consequence prohibited.

Mr. LLOYD said, in this inquiry, although he considered the decision of the President as extremely ill-judged and unfortunate, he should not avail of his station to offer a direct insult to the highest authority of the nation. He meant not to impugn his motives—possibly the President imagined, that by confiding in the assurances of the French Government, perfidy might be rendered honest—that France might for once fulfil faithfully the engagements she had entered into, and, this being done, that the British Orders

in Council, professedly and expressly predicated upon the Berlin decree, would fall of course, and that we should thus happily get rid of a system, which had been a race of folly all round the compass, equally as it regards France, Great Britain, and the United States; a system in which these nations had become entangled by their passions—to which they pertinaciously adhered, probably in spite of conviction, to the injury of their subjects and citizens, and from which none of them has the manliness or magnanimity first to cut adrift.

Iias France, sir, fulfilled her engagement? For proof, let me only refer to the 3d article of the Milan decree, which enacts—"That every 'ship of whatever nation, or whatsoever the nature 'of its cargo, which sails from or proceeds to the 'ports of England, or those of its colonies, or of 'countries occupied by English troops, shall be 'good and lawful prize, and may be captured by 'the ships of war, or privateers of France.'" Is our commerce to such ports now allowed? Have these provisions of the decree ceased to be acted upon? It would be a libel upon the intelligence and vigilant attention of the Senate to cite instances of their continued and constant enforcement. On the importation of British manufactures our own laws have interdicted the possibility of their operation for the past twelve months—but captures of vessels coming from and going to Great Britain are notorious to every one, and the shelves of the Department of State are, or might be, lumbered with proofs of the daily application of this article of the decree to American vessels, which are captured, burnt, or scuttled, from, and going to ports in Spain and Portugal in possession of the British; and lest we should not credit the accounts of our plundered, unshipped, cast-off seamen, arriving destitute at home—lest we should not credit the solemn depositions of the masters and mates of vessels that have been taken and destroyed—lest we should not credit the testimony of insurance companies who have paid forty, fifty, or sixty thousand dollars on single losses of this description*—lest perversions or incredulity should not even credit all these witnesses—in order to fasten the outrage upon us, insult is added to injury—and the commander of the destroying squadron, scarcely a month since, under his own hands, certifies the facts, and tells you he does this, not, sir, for his own security, not to prevent information of his course being given to his enemies, but in consequence of express orders from the Minister of Marine and of Colonies, so late even as January last; and avows his instructions to be, to capture or destroy all vessels bound to or from Great Britain, or her dependencies, or countries in her possession. In other words, to carry into full effect the provisions of the Berlin decree. After this, who will pretend that the decrees have ceased to violate the neutral commerce of the United

*On the ship *Telegraph* alone, bound from New York to Lisbon, destroyed by two French frigates, the insurance office in that city paid sixty thousand dollars.

States, or that they owe any obligation, express or implied, except that of vengeance, to France?

What, sir, would be the effect of a suspension of the non-importation act on ourselves? In six months after importations were admitted, or in three months after it was fully known, if war was also expected, it would replenish your coffers by placing ten millions of dollars in the Treasury—it would strengthen your merchants, and might enable them, by getting their property from abroad, to co-operate with the Government, and to advance double the amount of the loan recently attempted to be raised, the result of which, as it regards individual subscriptions, has disappointed every political man in the nation, whatever may be his tenets. Indeed, if war be inevitable, no man in his senses can deny that it would be highly expedient—that it would be greatly for the interest of the United States if every guinea in the British exchequer, if every shilling's worth of merchandise in her kingdom, were transported to this country even on credit. If this were the case, it would afford the means of commencing and continuing the war with better effect, and longer duration if needful, and would enlist in your favor a powerful body of men in that country, who would constantly be advocating your cause, and urging the termination of war and the settlement of peace. Reverse the picture, and interdict the recovery of this property—you weaken yourselves—impoverish your merchants at the outset—alienate their affections from their own Government—insure their endeavors to force you into a speedy and perhaps almost dishonorable peace; and instead of securing the influence of the British merchants and manufacturers in your favor, and in favor of peace, you offer them a bribe, to encourage and protract the war, in order that they may hold the large amount of American property now in their hands, for their own use and on their own terms, with or without interest, during its continuance.

Seeing, then, that no pledge, real, honorary, or imaginary, towards France, for a persistence in these restrictions, does or can exist—that the merchants of the United States have a just and equitable claim for a suspension of them, and that such suspension would in his opinion greatly benefit the interest of the country, he felt it his duty to move, whatever fate might await the motion," That the memorial of the merchants of Boston be again referred to a committee, with instructions to bring in a bill for the relief of the petitioners."

The question on postponement was now taken, and was determined in the affirmative—yeas 13, nays 6, as follows:

YEAS—Messrs. Bibb, Campbell of Tennessee, Condit, Crawford, Cutts, Gregg, Leib, Robinson, Smith of Maryland, Smith of New York, Tait, Turner, Varnum.

NAYS—Messrs. German, Gilman, Goodrich, Horsey, Lloyd, and Worthington.

THURSDAY, May 7.

The bill to admit the entry of vessels of the United States on certain conditions having been

reported by the Committee correctly engrossed, was read a third time, and passed.

The bill, entitled "An act to annex a part of West Florida to the Mississippi Territory," was read a second time, and referred to a select committee to consider and report thereon; and Messrs. CAMPBELL of Tennessee, BAYARD, and TAIT, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Ninian Pinkney. And on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled, "An act for the relief of Thomas F. Reddick;" and it was ordered to a third reading.

On motion, the bill, entitled "An act to incorporate the Trustees of the Washington College," was referred to a select committee, to consider and report thereon; and Messrs. DANA, WORTHINGTON, and BRENT, were appointed the committee.

FRIDAY, May 8.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to amend an act, entitled 'An act to establish a quartermaster's department, and for other purposes,' in which they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

Mr. ANDERSON, from the committee to whom was referred the bill, entitled "An act for the better regulation of the ordnance," reported it with an amendment, which was considered as in Committee of the Whole, and agreed to, and the President reported the bill to the House accordingly.

On the question, Shall this bill be engrossed and read the third time as amended? it was determined in the affirmative.

Mr. ANDERSON, from the committee to whom was referred the bill, entitled "An act making further provision for the Army of the United States," reported it with an amendment, which was considered as in Committee of the Whole, and agreed to; and the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

Mr. CAMPBELL, of Tennessee, from the committee to whom was referred the bill, entitled "An act to annex a part of West Florida to the Mississippi Territory," reported it with an amendment, which was considered as in Committee of the Whole, and agreed to; and the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The bill for the relief of Ninian Pinkney having been reported by the Committee correctly engrossed, was read a third time, and passed.

On motion by Mr. ANDERSON, Mr. POPE was

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added to the committee to whom was referred the bill, entitled "An act making additional appropriations for the support of Government for the year 1812," in the absence of Mr. LEIB.

Mr. ANDERSON, from the committee, reported the bill last mentioned, without further amendment.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

Mr. POPE submitted the following motion for consideration:

Whereas, the conduct of the French Government, in failing to make compensation for the property of the citizens of the United States, seized and confiscated under the Rambouillet decree, in the year 1810, in excluding from France, by enormous discriminating duties, our tobacco and cotton, the principal articles of export in the southern and southwestern parts of the United States, contrary to our just expectations, authorized by the assurances of her Minister; besides granting licenses to carry on a trade from certain ports of the United States, so disrespectful to the feelings, so derogatory to the sovereignty of an independent nation; and the recent and repeated aggressions of her public and private armed vessels on the lawful commerce of the United States; demand, from the impartiality, honor, and dignity of this Government, a disavowal of the arrangement made with her, which took effect on the 2d day of November, 1810, a measure calculated to inspire general confidence and respect, and to convince every true American that the object of his Government is, to unite the people in a manly American effort to resist foreign aggression: And whereas many of our citizens, under an expectation, or, at least, a hope, of a change in our relations with Great Britain, have, in the course of trade, acquired property abroad not admissible by existing laws into the United States, the importation of which it is reasonable and expedient to permit; expedient, because it will not only prevent injuries and loss to many of our citizens, but aid our finances, cheapen the public supplies until a sufficiency can be procured of home manufacture, and lessen the necessity of internal taxes to carry on the war in which we may be engaged with Great Britain: therefore,

Resolved, That the act, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," passed on the first day of May, 1810, except the — section thereof; all the force and effect of the President's proclamation, issued in virtue thereof, on the — day of —, in the same year; and the act, entitled "An act supplementary to the act, entitled 'An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes,'" passed on the second day of March, 1811, ought to be repealed, annulled, and set aside; and that a committee be appointed to bring in a bill for that purpose.

MONDAY, May 11.

The bill, entitled "An act to amend an act, entitled 'An act to establish a quartermaster's department, and for other purposes,'" was read the second time, and referred to a select committee.

to consider and report thereon; and Messrs. ANDERSON, VARNUM, and TAYLOR, were appointed the committee.

The bill, entitled "An act making additional appropriations for the support of Government for the year 1812," was read a third time as amended, and passed.

The amendment to the bill, entitled "An act making further provision for the Army of the United States," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed with an amendment.

The amendment to the bill, entitled "An act to annex a part of West Florida to the Mississippi Territory," having been reported by the committee correctly engrossed, the bill was read a third time as amended; and, on motion, the title was amended so as to read as follows: "An act to enlarge the boundaries of the Mississippi Territory."

Resolved, That this bill pass with amendments.

The amendment to the bill, entitled "An act for the better regulation of the ordnance," having been reported by the committee correctly engrossed, the bill was read a third time as amended; and, on motion, by Mr. ANDERSON, was further amended by unanimous consent.

Resolved, That this bill pass with amendments.

Mr. GREGG, from the committee to whom was referred the bill, entitled "An act to extend the right of suffrage in the Illinois Territory," reported it with an amendment.

Mr. CAMPBELL, of Tennessee, presented the petition of sundry citizens of the said Territory, on the subject-matter of the said bill; which was read, and the further consideration of the subject was postponed until to-morrow.

Mr. WORTHINGTON, from the committee to whom was referred the bill, entitled "An act providing for the government of the Territory of Louisiana," reported it with amendments.

Mr. WORTHINGTON submitted the following motion for consideration:

Resolved, That a committee be appointed to inquire, if any, what, further provision is necessary to compel the residence and attendance of Territorial judges in their respective Territories, with leave to report by bill or otherwise.

TUESDAY, May 12.

Mr. BAYARD gave notice that to-morrow he should ask leave to bring in a bill supplementary to an act, entitled "An act for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said State."

Mr. GREGG presented the memorial of certain persons, subjects of the Crown of Portugal, and masters of Portuguese vessels, which arrived at the port of Philadelphia since the passage of the last embargo law, for the purpose of procuring cargoes of flour and other provisions, and praying to be permitted to return to the ports of their own country with such cargoes.

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On motion, by Mr. GREGG, the memorial was referred to a select committee, to consist of five members, to consider and report thereon by bill or otherwise; and Messrs. GREGG, ANDERSON, BAYARD, CAMPBELL, of Tennessee, and TAYLOR, were appointed the committee.

On motion, by Mr. GERMAN, the memorial of Charles Selden, and others, citizens of the State of New York, presented on the 22d April, was also referred to the committee last mentioned, to consider and report thereon by bill or otherwise.

The Senate resumed the consideration of the motion made yesterday, by Mr. WORTHINGTON, which was amended and agreed to, as follows:

Resolved, That a committee be appointed to inquire, if any, what, further provision is necessary to compel the residence and attendance of judges in their respective circuits, districts, and territories, with leave to report by bill or otherwise; and also into the propriety of prohibiting the judges from practising in the State courts.

Ordered, That Messrs. BAYARD, WORTHINGTON, and CAMPBELL, of Tennessee, be the committee.

A message from the House of Representatives informed the Senate that they have passed a resolution authorizing the President of the United States to cause a census to be taken of the population of the Mississippi Territory, in which resolution they now request the concurrence of the Senate.

The Senate resumed the consideration of the motion made on the 8th instant, by Mr. POPE, on the subject of commercial restrictions.

On the question, Shall this resolution pass? it was determined in the negative—yeas 8, nays 15, as follows:

YEAS—Messrs. Bayard, Dana, German, Gilman, Goodrich, Horsey, Pope, and Worthington.

NAYS—Messrs. Anderson, Bibb, Campbell, of Tennessee, Condit, Crawford, Cutts, Gaillard, Gregg, Howell, Robinson, Smith of New York, Tait, Taylor, Turner, and Varnum.

— * —
WEDNESDAY, May 13.

The number of Senators present not being sufficient to constitute a quorum, on motion, that the Senate adjourn, it was determined in the affirmative—yeas 8, nays 5, as follows:

YEAS—Messrs. Bibb, Crawford, Gaillard, Gilman, Gregg, Robinson, Tait, and Varnum.

NAYS—Messrs. Bayard, German, Horsey, Taylor, and Worthington.

— — —
THURSDAY, May 14.

The resolution authorizing the President of the United States to cause a census to be taken of the population of the Mississippi Territory, was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to extend the right of suffrage in the Illinois Territory, and for other purposes," together with the amendment reported thereto by the select committee; and, having agreed to the amend-

ment, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

Mr. WORTHINGTON, from the committee to whom was referred the bill, entitled "An act to ascertain and establish the western boundary of the tract reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia line on continental establishment," reported it with amendments.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act providing for the government of the Territory of Louisiana," together with the amendments reported thereto by the select committee; and having agreed thereto, the President reported the bill to the House accordingly; and the bill was further amended; and, on motion, by Mr. TAIT, the further consideration thereof was postponed until to-morrow.

A message from the House of Representatives informed the Senate that the House have passed the bill, which originated in the Senate, entitled "An act to incorporate a bank in the town of Alexandria, by the name and style of the Mechanics' Bank of Alexandria," with amendments, in which they request the concurrence of the Senate.

Mr. WORTHINGTON, from the committee to whom was referred the bill, entitled "An act to authorize the election of sheriffs in the Indiana Territory, and for other purposes," reported it with amendments.

Mr. BAYARD asked and obtained leave to bring in a bill supplementary to an act, entitled "An act for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said State; and the bill was read, and passed to the second reading.

Mr. POPE, from the committee to whom was referred the bill, entitled "An act for the relief of John N. Stout," reported it without amendment; and the bill was ordered to a third reading.

Mr. BRENT, from the committee appointed to consider the subject, reported a bill authorizing an increase of the capital stock of the Bank of Washington; and the bill was read, and passed to the second reading.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act to incorporate a bank in the town of Alexandria, by the name and style of the Mechanics' Bank of Alexandria," and concurred therein.

— — —
FRIDAY, May 15.

The amendment to the bill, entitled "An act to extend the right of suffrage in the Illinois Territory, and for other purposes," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed.

Mr. BAYARD, from the committee appointed to

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consider the subject, reported a bill respecting the judges of the United States; and the bill was read, and passed to the second reading.

The resolution authorizing the President of the United States to cause a census to be taken of the population of the Mississippi Territory was read the second time.

A message from the House of Representatives informed the Senate that the House have passed the bill which originated in the Senate, entitled "An act to authorize the President of the United States to ascertain and designate certain boundaries," with an amendment; in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to the bill last mentioned; and concurred therein.

The bill authorizing an increase of the capital stock of the Bank of Washington, was read the second time.

The bill, entitled "An act for the relief of John N. Stout," was read a third time, and passed.

The bill supplementary to an act, entitled "An act for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said State," was read the second time, and considered as in Committee of the Whole.

On the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

The bill last mentioned having been reported by the committee correctly engrossed, it was read a third time by unanimous consent, and passed.

The Senate resumed the consideration of the bill, entitled "An act providing for the government of the Territory of Louisiana," as amended; and the bill was further amended.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

MONDAY, May 18.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to ascertain and establish the western boundary of the tract reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia line on continental establishment," together with the amendments reported thereto by the select committee, which were agreed to; and the bill having been further amended, the President reported it to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The bill respecting the judges of the United States was read the second time.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act for the relief of Thomas and William Streshly," with an amendment, in which they request the concurrence of the Senate. They have also passed a bill, entitled "An

act for the relief of Anna Young, heiress and representative of Col. John Durkee, deceased," in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act for the relief of Thomas and William Streshly," and concurred therein.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to authorize the election of sheriffs in the Indiana Territory, and for other purposes," together with the amendments reported by the select committee; and having agreed thereto, in part, the further consideration thereof was postponed until to-morrow.

The resolution authorizing the President of the United States to cause a census to be taken of the population of the Mississippi Territory was resumed.

Ordered, That it pass to the third reading.

Mr. GREGG presented sundry petitions, signed by a large number of persons residing in the county of Philadelphia, and State of Pennsylvania, deprecating the horrors of war, and praying the united efforts of Congress and the President of the United States for the continuation of the blessings of peace.

Mr. WORTHINGTON gave notice that to-morrow he should ask leave to bring in a bill making further provision for the sale of the reserved sections of land in the State of Ohio, and to distribute certain copies of the land laws.

TUESDAY, May 19.

The bill, entitled "An act for the relief of Anna Young, heiress and representative of Colonel John Durkee, deceased," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. GOONRICH, GREGG, and TAIT, were appointed the committee.

Mr. WORTHINGTON asked and obtained leave to bring in a bill making further provision for the sale of the reserved sections of land in the State of Ohio, and to distribute certain copies of the land laws; and the bill was read, and passed to the second reading.

Mr. BAYARD, from the committee to whom was referred the bill to discharge from imprisonment the persons therein mentioned, reported it without amendment.

The resolution authorizing the President of the United States to cause a census to be taken of the population of the Mississippi Territory, was read a third time.

On motion, by Mr. WORTHINGTON, it was referred to a select committee, to consider and report thereon; and Messrs. TAYLOR, WORTHINGTON, and BAYARD, were appointed the committee.

The amendments to the bill, entitled "An act providing for the government of the Territory of Louisiana," having been reported by the committee correctly engrossed, the bill was read a

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third time as amended, and was further amended by unanimous consent.

Resolved, That this bill pass, with amendments.

The amendments to the bill, entitled "An act to ascertain and establish the western boundary of the tract reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia line on continental establishment," having been reported by the committee correctly engrossed, the further consideration thereof was postponed until Thursday next.

Mr. ANDERSON, from the committee to whom was referred the bill, entitled "An act to amend an act, entitled 'An act to establish a quartermaster's department, and for other purposes,'" reported it amended.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to authorize the election of sheriffs in the Indiana Territory, and for other purposes."

On motion, by Mr. BAYARD, the further consideration thereof was postponed until Thursday next.

The consideration of the bill respecting the judges of the United States was resumed; and, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

THURSDAY, May 21.

The bill making further provision for the sale of the reserved sections of land in the State of Ohio, and to distribute certain copies of the land laws, was read the second time.

The bill respecting the judges of the United States having been reported by the committee correctly engrossed, was read a third time, and passed.

The bill, entitled "An act to ascertain and establish the western boundary of the tract reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia line on continental establishment," was read a third time as amended, and passed with amendments.

A message from the House of Representatives informed the Senate that the House concur in the amendments of the Senate to the bill, entitled "An act providing for the government of the Territory of Louisiana," with an amendment, in which they request the concurrence of the Senate. They have passed a bill, entitled "An act making further provision for settling the claims to land in the Territory of Louisiana;" also, a bill, entitled "An act making an appropriation for the purpose of discharging all the outstanding claims for the construction and repair of the Capitol and the President's house, for the compensation of the late surveyor of the public buildings, and for furniture for the different apartments of the Capitol, and for other purposes;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to discharge from imprisonment the persons therein mentioned; and Mr. VARNUM was requested to take the chair; and the bill having been debated, the President resumed the chair; and Mr. VARNUM reported, from the Committee of the Whole, that the bill be postponed to the first Monday in December next; and on the question to agree to the report, it was determined in the affirmative—yeas 16, nays 5, as follows:

YEAS—Messrs. Anderson, Bayard, Bibb, Campbell of Tennessee, Condit, Crawford, Gaillard, Goodrich, Gregg, Horsey, Howell, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Dana, German, Leib, Reed, and Smith of New York.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to amend an act, entitled 'An act to establish a quartermaster's department, and for other purposes,'" together with the amendment reported by the select committee; and, having agreed thereto, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The amendment to the bill last mentioned having been reported by the committee correctly engrossed, it was read a third time by unanimous consent, and passed.

The Senate proceeded to consider the amendment of the House of Representatives to the amendments of the Senate to the bill, entitled "An act providing for the government of the Territory of Louisiana;" and concurred therein.

The consideration of the bill, entitled "An act to authorize the election of sheriffs in the Indiana Territory, and for other purposes," was resumed; and, on the question, Shall this bill be read a third time, as amended? it was determined in the affirmative.

The bill authorizing an increase of the capital stock of the Bank of Washington was resumed; and the further consideration thereof was postponed until Monday next.

FRIDAY, May 22.

The amendments to the bill, entitled "An act to authorize the election of sheriffs in the Indiana Territory, and for other purposes," having been reported by the committee correctly engrossed, the bill was read a third time as amended.

On the question, Shall this bill pass? it was determined in the negative.

The bill, entitled "An act making further provision for settling the claims to land in the Territory of Louisiana," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. VARNUM, WORTHINGTON, and BRENT, were appointed the committee.

The bill, entitled "An act making an appropriation for the purpose of discharging all the outstanding claims for the construction and repair

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of the Capitol and the President's house, for the compensation of the late surveyor of the public buildings, and for furniture for the different apartments of the Capitol, and for other purposes," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. TAYLOR, DANA, and REED, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the bill making further provision for the sale of the reserved sections of land in the State of Ohio, and to distribute certain copies of the land laws; and the further consideration thereof was postponed until Monday next.

Mr. VARNUM gave notice that, on Monday next, he should ask leave to bring in a bill supplementary to an act, entitled "An act more effectually to provide for the organization of the militia of the District of Columbia."

MONDAY, May 25.

Mr. VARNUM asked and obtained leave to bring in a bill supplementary to an act, entitled "An act more effectually to provide for the organization of the militia of the District of Columbia;" and the bill was twice read by unanimous consent, and referred to a select committee, to consider and report thereon; and Messrs. VARNUM, SMITH of Maryland, and ANDERSON, were appointed the committee.

The consideration of the bill making further provision for the sale of the reserved sections of land in the State of Ohio, and to distribute certain copies of the land laws, was resumed.

On the question, Shall this bill be engrossed and read the third time? it was determined in the affirmative.

TUESDAY, May 26.

The PRESIDENT communicated the resolutions of the citizens of the first Congressional District of Pennsylvania, approving the measures of Government in the preparations for war with Great Britain, and particularly the conduct of their Representatives in Congress; which were read.

On motion by Mr. SMITH, of Maryland, the act supplementary to the act, entitled "An act providing for a Naval Peace Establishment, and for other purposes," was referred to a select committee, who shall be empowered to report, by bill or otherwise, such amendments as may be deemed necessary thereto; and Messrs. SMITH of Maryland, GOODRICH, ANDERSON, GAILLARD, and GREGG, were appointed the committee.

The bill authorizing an increase of the capital stock of the Bank of Washington was resumed; and the further consideration thereof was postponed until Monday next.

The bill making further provision for the sale of the reserved sections of land in the State of Ohio, and to distribute certain copies of the land laws, having been reported by the committee correctly engrossed, was read a third time, and passed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I communicate to Congress, for their information, copies and extracts from the correspondence of the Secretary of State and the Minister Plenipotentiary of the United States at Paris. These documents will place before Congress the actual posture of our relations with France.

JAMES MADISON.

MAY 26, 1812.

The Message and documents therein referred to were read, and twelve hundred copies thereof ordered to be printed for the use of the Senate.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act conferring certain powers on the Levy Court for the county of Washington, in the District of Columbia;" in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

Mr. SMITH, of Maryland, submitted the following motion for consideration:

"Resolved, That the Secretary of War be directed to report to the Senate the number of men ordered to be supplied by each State for the purpose of completing their respective quotas under the act of the present session, entitled 'An act to authorize a detachment from the militia of the United States.'"

Mr. GERMAN gave notice that to-morrow he should ask leave to bring in a bill to revive and continue in force, for a limited time, an act, entitled "An act further to provide for the refugees from the British provinces of Canada and Nova Scotia, and for other purposes;" passed February 24th, 1810.

WEDNESDAY, May 27.

Mr. GERMAN asked and obtained leave to bring in a bill to revive and continue in force, for a limited time, an act, entitled "An act further to provide for the refugees from the British provinces of Canada and Nova Scotia, and for other purposes," passed the 24th of February, 1810; and the bill was read, and passed to the second reading.

The Senate resumed the consideration of the motion made yesterday respecting the quotas of militia of the United States, and agreed thereto.

The bill, entitled "An act conferring certain powers on the Levy Court for the county of Washington, in the District of Columbia," was read the second time.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of William Garrard;" also, a bill, entitled "An act to extend the time for exporting, with the privilege of drawback, goods, wares, and merchandise, entitled thereto by law;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

The bill, entitled "An act for the relief of

William Garrard," was read the second time by unanimous consent; and referred to a select committee, to consider and report thereon; and Messrs. POPE, TAIT, and CONDIT, were appointed the committee.

THURSDAY, May 28.

The PRESIDENT communicated the report of the Secretary of the Navy, made in obedience to the provision of the fourth section of the act, entitled "An act establishing Navy hospitals," passed the 26th of February, 1811; and the report was read.

The bill to revive and continue in force, for a limited time, an act, entitled "An act further to provide for the refugees from the British provinces of Canada and Nova Scotia, and for other purposes," passed the 24th of February, 1810, was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. GERMAN, GOODRICH, and GREGG, were appointed the committee.

The bill, entitled "An act to extend the time for exporting, with privilege of drawback, goods, wares, and merchandise, entitled thereto by law," was read the second time, and considered as in Committee of the Whole; and no amendments having been offered, it was ordered to the third reading.

On motion, by Mr. TAYLOR, the further consideration of the bill, entitled "An act conferring certain powers on the Levy Court for the county of Washington, in the District of Columbia," was postponed until Monday next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the more perfect organization of the infantry of the Army of the United States;" a bill, entitled "An act authorizing the President of the United States to lease, for a term of years, one of the public reservations of ground in the City of Washington;" also, a bill, entitled "An act to amend the laws within the District of Columbia;" in which bills they request the concurrence of the Senate.

The three bills last mentioned were read, and passed to the second reading.

The bill, entitled "An act for the more perfect organization of the infantry of the Army of the United States," was, by unanimous consent, read the second time, and referred to a select committee, to consider and report thereon; and Messrs. SMITH, of Maryland, ANDERSON, and VARNUM, were appointed the committee.

Mr. SMITH, of New York, from the committee to whom the memorials of Peter Landais were referred, made a report; which was read.

MONDAY, June 1.

The PRESIDENT communicated a report of the Secretary for the Department of War, on the number of men required by each State under the act, entitled "An act to authorize a detachment from the militia of the United States;" made in obedience to a resolution of the Senate of the 27th

of May last; and the report was read, and referred to a select committee, to consist of five members, to consider and report thereon by bill or otherwise; and Messrs. SMITH, of Maryland, VARNUM, CONDIT, GILMAN, and GREGG, were appointed the committee.

The Senate resumed the consideration of the amendment of the House of Representatives to the bill, entitled "An act supplementary to the act, entitled 'An act to establish an Executive Department, to be denominated the Department of War,'" and on motion, by Mr. GREGG, the further consideration of the bill and amendment was postponed until Monday next.

The Senate resumed the consideration of the report of the committee on the memorial of Peter Landais. Whereupon, it was ordered that the claim of Peter Landais ought not to be granted.

The bill, entitled "An act authorizing the President of the United States to lease, for a term of years, one of the public reservations of ground in the City of Washington," was read the second time.

The bill, entitled "An act to amend the laws within the District of Columbia," was read the second time.

The bill, entitled "An act to extend the time for exporting, with privilege of drawback, goods, wares, and merchandise, entitled thereto by law," was read a third time, and passed.

The bill authorizing an increase of the capital stock of the Bank of Washington, was resumed; and, on motion, by Mr. SMITH, of Maryland, the further consideration thereof was postponed until Thursday next.

A message from the House of Representatives informed the Senate that the House disagree to the amendments of the Senate to the bill, entitled "An act concerning the Levy Court of the county of Washington, in the District of Columbia;" they also disagree to the amendments to the bill, entitled "An act to ascertain and establish the western boundary of the tract reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia line on continental establishment." They have passed a bill, entitled "An act supplemental to an act, entitled 'An act for dividing the Indiana Territory into two separate governments,'" in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

Mr. POPE, from the committee to whom was referred the bill, entitled "An act for the relief of William Garrard," reported it without amendment; and it was ordered to a third reading.

The Senate proceeded to consider their amendments to the bill, entitled "An act concerning the Levy Court of the county of Washington, in the District of Columbia," disagreed to by the House of Representatives; and the further consideration thereof was postponed until Wednesday next.

The Senate proceeded to consider their amendments to the bill, entitled "An act to ascertain and establish the western boundary of the tract reserved for satisfying the military bounties allowed

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to the officers and soldiers of the Virginia line on continental establishment," disagreed to by the House of Representatives; and on motion, by Mr. WORTHINGTON, resolved to insist on said amendments.

Mr. VARNUM, from the committee to whom was referred the bill supplementary to an act, entitled "An act more effectually to provide for the organization of the militia of the District of Columbia," reported it amended.

A confidential Message was received from the President of the United States; and, on motion, the galleries were cleared and the doors of the Senate Chamber were closed.

TUESDAY, June 2.

The bill, entitled "An act supplemental to an act, entitled 'An act for dividing the Indiana Territory into two separate governments,'" was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act conferring certain powers on the Levy Court of the county of Washington, in the District of Columbia;" and on motion, by Mr. BAYARD, it was referred to a select committee, to consider and report thereon; and Messrs. BAYARD, BRENT, and DANA, were appointed the committee.

On motion, by Mr. WORTHINGTON, the bill, entitled "An act to amend the laws within the District of Columbia, was referred to the committee last mentioned, to consider and report thereon.

On motion, by Mr. REED, the bill, entitled "An act authorizing the President of the United States to lease, for a term of years, one of the public reservations of ground in the City of Washington," was referred to the committee to whom was referred, on the 13th April, the bill, which originated in the Senate, on the subject, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the bill supplementary to an act, entitled "An act more effectually to provide for the organization of the militia of the District of Columbia," together with the amendments reported thereto by the select committee; and having agreed to the amendments, the President reported the bill to the House accordingly.

WEDNESDAY, June 3.

Mr. SMITH, of Maryland, from the committee to whom was referred the "Act supplementary to the act, entitled 'An act providing for a Naval Peace Establishment, and for other purposes,'" reported that, the session drawing to a close, it was not expedient at this time to consider the subject. Whereupon, the committee were discharged from the further consideration thereof.

The Senate resumed the consideration of the amendments to the bill, entitled "An act concerning the Levy Court of the county of Washington, in the District of Columbia," disagreed to by the House of Representatives. And on motion they were referred to the committee to whom was refer-

red, yesterday, the bill entitled "An act conferring certain powers on the Levy Court of the county of Washington, in the District of Columbia," to consider and report thereon.

The bill, entitled "An act supplemental to an act, entitled 'An act for dividing the Indiana Territory into two separate governments,'" was resumed, and ordered to a third reading.

The Senate resumed the bill supplementary to an act, entitled "An act more effectually to provide for the organization of the militia of the District of Columbia."

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

The bill, entitled "An act for the relief of William Garrard," was read a third time, and passed.

Mr. VARNUM, from the committee to whom was referred the bill, entitled "An act making further provision for settling the claims to land in the Territory of Louisiana," reported it amended.

Mr. GREGG, from the committee to whom was referred the memorial of James Wilkinson, reported a statement of his account with the United States.

The President communicated the resolutions of the citizens and inhabitants of Richmond, Manchester, and their vicinities, on the subject of our relations with Great Britain and France; which were read.

THURSDAY, June 4.

The bill authorizing an increase of the capital stock of the Bank of Washington was resumed; and on motion, by Mr. SMITH of Maryland, the further consideration thereof was postponed to the first Monday in October next.

The bill supplementary to an act, entitled "An act more effectually to provide for the organization of the militia of the District of Columbia," having been reported by the committee correctly engrossed, on motion, by Mr. BRENT, that it be re-committed for further amendment, it was determined in the negative; and the bill was read a third time, and passed.

The bill, entitled "An act supplemental to an act, entitled 'An act for dividing the Indiana Territory into two separate governments,'" was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act making further provision for settling the claims to land in the Territory of Louisiana," together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

Mr. HORSEY, from the committee to whom was referred the bill, entitled "An act authorizing the cutting and making a canal from the river Potomac around the west end of the dam or causeway from Mason's Island, and for other purposes," reported it amended.

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FRIDAY, June 5.

The amendments to the bill, entitled "An act making further provision for settling the claims to land in the Territory of Louisiana," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and the title having been amended, the bill was passed, with amendments.

The report of the committee on the memorial of James Wilkinson was resumed.

Mr. SMITH, of Maryland, from the committee to whom was referred the bill, entitled "An act for the more perfect organization of the infantry of the Army of the United States," reported it with amendments.

Mr. GERMAN, from the committee to whom was referred the bill to revive and continue in force, for a limited time, an act, entitled "An act to provide for the refugees from the British provinces of Canada and Nova Scotia, and for other purposes," passed the 24th of February, 1810, reported it with amendments.

Mr. BRENT presented the memorial of William Gamble, praying compensation for services rendered the United States.—Referred to the Secretary for the Department of Treasury, to consider and report thereon.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

I transmit, for the information of Congress, copies of a correspondence of the Minister Plenipotentiary of Great Britain, with the Secretary of State.

JAMES MADISON.

JUNE 4, 1812.

The Message and copies therein referred to were read, and referred to the committee appointed the first instant on the confidential Message of the President of the United States of that date.

MONDAY, June 8.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing the cutting and making a canal from the river Potomac, around the west end of the dam or causeway from Mason's Island, and for other purposes," together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be read the third time as amended? it was determined in the affirmative.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

I lay, before Congress, copies of letters which have passed between the Secretary of State and the Envoy Extraordinary and Minister Plenipotentiary of Great Britain.

JAMES MADISON.

JUNE 8, 1812.

The Message and copies were read.

The bill for the more perfect organization of the infantry of the Army of the United States was considered as in Committee of the Whole, and the amendments reported by the select committee were agreed to, and the bill was further amended, and the President reported it to the House accordingly; and the further consideration thereof was postponed until to-morrow.

TUESDAY, June 9.

The amendments to the bill, entitled "An act authorizing the cutting and making a canal from the river Potomac, around the west end of the dam or causeway from Mason's Island, and for other purposes," were reported by the committee correctly engrossed.

The bill, entitled "An act for the more perfect organization of the infantry of the Army of the United States," was resumed, and having been further amended, on the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

Mr. REED presented sundry resolutions, signed Richard Ridgely, chairman, the result of a meeting of a number of citizens of Ann Arundel county, in the State of Maryland, recommending the adoption of such measures as may place our country in a state of maritime defence, and procure a redress of wrongs from the belligerent nations; and the resolutions were read, and ordered to be printed for the use of the Senate.

A message from the House of Representatives informed the Senate that they insist on their disagreement to the amendments to the bill, entitled "An act to ascertain and establish the western boundary of the tract reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia line on continental establishment," insisted on by the Senate; they ask a conference on the subject, and have appointed managers on their part. They have passed a resolution requesting the State of Georgia to assent to the formation of two States of the Mississippi Territory," in which they ask the concurrence of the Senate. They have passed a bill, entitled "An act for the relief of Colonel Jonathan Williams;" a bill, entitled "An act for the relief of Lieutenant Colonel William D. Beall;" a bill, entitled "An act for the relief of Clement B. Penrose;" a bill, entitled "An act authorizing the discharge of William Peck from his imprisonment;" a bill, entitled "An act confirming claims to lands in the Mississippi Territory, founded on warrants of survey granted by the Spanish Government;" also, a bill, entitled "An act authorizing the remission of forfeited recognisances within the District of Columbia;" in which bills they request the concurrence of the Senate.

RHODE ISLAND RESOLUTIONS.

Mr. HUNTER presented the resolutions of the Legislature of the State of Rhode Island and Providence Plantations, instructing their Senators and Representatives in Congress, to use their endeavors to avert the evils of war, to put our mari-

JUNE, 1812.

New York Memorial.

SENATE.

time frontier in a state of defence, and for the repeal of the embargo and restrictive system; and the resolutions were read. They are as follows:

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,

In General Assembly, May, 1812.

Whereas, from the aspect of our foreign relations, and more especially from the character of the measures adopted, and proposed to be adopted, by Congress, during their present session, it is seriously to be apprehended that our country will soon be plunged into a ruinous war, unless a clear expression of the public opinion shall correct the dangerous and erroneous impression, which appears to have been made on the General Government, that the people are desirous of war, and do approve of the measures calculated to produce it; and, whereas, it is both the right and duty of the people, either immediately or by their Representatives, upon occasions so important, and in times so alarming as the present, to express their sentiments upon public affairs, and also the privilege of rulers to be informed of those sentiments:

Resolved, That, for ourselves individually, and as Representatives of the freemen of this State, we deprecate at all times, and especially at a time when the pecuniary resources of the country have been exhausted and cut off, both by the depredations and sequestrations of foreign Powers, and by our own ruinous commercial restrictions; when, by the raising of a large military force, for the purpose of territorial conquests, great expenses will be incurred, and heavy burdens imposed, while, from the very limited appropriations made for the protection of commerce and the defence of our seaports, the former will be exposed to certain capture, and the latter to invasion and pillage, thereby leaving the burdens to be borne almost entirely by the agricultural interest.

Resolved, That, from the extent of our commerce, the immediate and important interest which the whole community have in its encouragement, and the entire dependence of many of our citizens for support upon the employment it affords, the legislative restrictions upon trade operate with peculiar severity upon this State; that, from our inability to sustain the increasing burdens of war, destitute of public funds and of public lands, and depending, in time of peace, upon direct taxes for the support of our State government, the proposed land tax and internal taxes of the United States will be exceedingly oppressive upon our citizens; and that the accessible situation and defenceless state of our harbors and seaports, and their superior eligibility, as a naval resort, for the cruisers of an enemy, rendering them exposed to invasion and liable to capture, will cause war, under such circumstances, to be ruinous to many of our towns, and eminently injurious to the whole State.

Resolved, That, when the unequalled privations, sufferings, and exertions, of the citizens of this State during the Revolutionary war, are considered, it cannot be doubted that, whenever the country shall necessarily be involved in war, they will again exhibit the same patience, fortitude, and patriotism.

Resolved, That the Senators from this State, in Congress, be instructed, and the Representatives requested, to use their utmost endeavors to cause the legislative restrictions on our commerce to be removed; to prevent the passing of the proposed laws for imposing direct taxes; and also to oppose all measures which may

be brought forward tending to involve the country in war.

Resolved, That, if these desirable objects cannot be obtained, and war shall appear to be unavoidable, our Senators and Representatives be instructed to represent to Congress, and to the Executive, the exposed and defenceless situation of this State, the want of arms for our militia, and the importance of our harbors and seaports to the United States; and to urge upon Government the propriety, necessity, and practicability, of their defence, and to solicit and claim from them adequate and timely means of defence and security against those imminent dangers and perils to which we are to be unwillingly exposed.

Resolved, That His Excellency, the Governor, be requested to transmit copies of the preceding resolutions to the Senators and Representatives from this State in the Congress of the United States.

NEW YORK MEMORIAL.

Mr. SMITH, of New York, presented the following petition of sundry inhabitants, merchants, and others, of the city of New York, praying that the embargo and non-importation laws be continued as a substitute for war against Great Britain:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled, the memorial of the subscribers, merchants, and others, inhabitants of the city of New York, respectfully sheweth:

That your memorialists feel, in common with the rest of their fellow citizens, an anxious solicitude for the honor and interest of their country, and an equal determination to assert and maintain them.

That your memorialists believe that a continuation of the restrictive measures now in operation will produce all the benefits while it prevents the calamities of war. That when the British Ministry become convinced that a trade with the United States cannot be renewed, but by the repeal of the Orders in Council, the distress of their merchants and manufacturers, &c. their inability to support their armies in Spain and Portugal, will probably compel them to that measure.

Your memorialists beg leave to remark, that such effects are even now visible; and it may be reasonably hoped that a continuance of the embargo and non-importation laws a few months beyond the fourth day of July next, will effect a complete and bloodless triumph of our rights.

Your memorialists therefore respectfully solicit of your honorable body the passage of a law continuing the embargo and giving to the President of the United States power to discontinue the whole of the restrictive system on the rescinding of the British Orders in Council.

The conduct of France in burning our ships, in sequestering our property entering her ports, expecting protection in consequence of the promised repeal of the Berlin and Milan decrees, and the delay in completing a treaty with the American Minister, has excited great sensation, and we hope and trust will call forth from your honorable body such retaliatory measures as may be best calculated to procure justice.

John Jacob Astor	Abraham Smith
Samuel Adams	Thomas H. Smith jr.
Howland & Grinnell	Andrew Foster
E. Slosson	Jacob Barker
Israel Gibbs	William Lovett
Isaac Clason	William Edgar jr.

John Slidell	Samuel Stillwell
John K. Townsend	Jacob P. Giraud
Andrew Ogden & Co.	John Hone
Thomas Storm	John Kane
Amos Butler	Amasa Jackson
Ebenezer Burrill	William J. Robinson
Isaac Heyer	Joseph Strong
Ralph Bulkley	Abraham S. Hallet
Samuel Bell	Joshua Jones
John F. Delaplaine	Frederick Giraud, jr.
Peter Stagg	Robert Roberts
David Taylor	John Crookes
William Adee	Hugh McCormick
John T. Lawrence	John Depeyster
Joseph W. Totten	Gilbert Haight
Isaac Schermerhorn	James Lovett
Alexander Ruden	Leffert Lefferts
Joseph Otis	Augustus Wynkoop
Lewis Hartman	John W. Gale
Garret Storm	Thomas Rich
George Bement	Samuel Marshall
S. A. Rich	Elbert Herring.

After the memorial had been read,

Mr. TAYLOR said, that the respectability of the subscribers to a petition presented to this body, and the importance of the matter therein contained, had, on various occasions, been used as inducements to us to give such petition a respectful *disposition* in the course of our proceedings. He recollected a case in point. It was the case of the petition of an eminent merchant of Massachusetts, presented by an honorable Senator from that State, and which at the suggestion of that honorable gentleman was, by the Senate, ordered to be printed. He was of opinion that the petition just read ought not to be treated with less attention. That he had seen the petition, and had inquired into the character of its subscribers—and had been informed that the fifty-eight signers to it were among the most respectable, wealthy, and intelligent merchants of the city of New York. There are to be found in that list the names of two presidents of banks; three presidents of insurance companies; thirteen directors of banks; besides other names of pre-eminent standing in the mercantile world. They had all united in the sentiments contained in the petition, notwithstanding that there existed among them a difference in political opinions—for he understood that of the petitioners forty-two were federal and sixteen republican. Mr. T. added, that he considered some of the sentiments contained in the petition as of the highest importance. He hailed it as an auspicious occurrence, that these honorable merchants, in praying that the evils of war might be averted from them and from the nation, had nevertheless held fast to the principle of resistance to the aggressions and unhallowed conduct of Great Britain towards our nation—and had exercised the candor and firmness to bear testimony to the efficiency of the restrictive system for obtaining a redress of our wrongs, and of course to the integrity and honor of those who had imposed this system for that purpose. He hoped that the example of these petitioners would tend to counteract those strenuous and unremitting exertions of passion, prejudice, and party feeling, which had at-

tempted to stamp upon the majority in Congress the foul and unjust censure of being enemies to commerce. That, however unfashionable and obstinate it might appear, he still believed that the embargo and non-importation laws, if faithfully executed, were capable of reaching farther than our cannon. We were at this very time tendering an urgent argument, to be felt by each city, village and hamlet in England. This touching to the quick the vital interests of that empire, would demonstrate to the people at least the folly and absurdity of the Orders in Council. The ordeal of the twenty weeks of scarcity, which the people of that unhappy country are undergoing, to relieve which, but for the madness and folly of their rulers, every yard of American canvass would be spread to the gales: The thousands of starving manufacturers thrown out of employ for want of our custom, which custom, but for the injustice of their masters, we were willing to give, now feel the efficiency of the restrictive system. These matter-of-fact arguments want no sophistry nor long speeches to give them weight. But Great Britain is proud, and will never yield to this sort of pressure. Hunger has no law. Where was her pride during the last year when she exported to her enemy on the Continent more than eleven millions of pounds sterling for provisions; and meanly truckling to her enemy, consented to buy the privilege of laying out her guineas for bread; and actually submitted on the compulsion of Napoleon to buy the wines, brandies, and silks of France, which she did not want! This restrictive system, when commenced under the former embargo law, encountered every opposition among ourselves, which selfish avarice, which passion and party rage could suggest; and so successful were its assailants that while it was operating with its fullest effects, (which the prices current of that day will show,) some of its greatest champions in the National Legislature abandoned it—yes, sir, in the tide of victory they threw down their arms. How were the mighty fallen, and the shield of the mighty vilely cast away! The disavowal of Erskine's arrangement was the consequence of this retreat. But it may be said that the sentiments in their petition were extorted by the apprehension of a greater evil—war. In all our trials, those who had not predetermined to submit to Great Britain must have anticipated this alternative. Let those who by their acrimony, sneers, and scoffs, have thrown away this chief defence of our nation, be held responsible for the compulsion they have imposed on us to take this dire alternative. He said that although he was unwilling to abate a single pang which we might legally inflict upon our enemy, and might at the proper time oppose anything like the swap proposed of one system for another, when we had the power and the right to impose upon our enemy both the one and the other, he nevertheless thought the petition was deserving of the attention which he now moved it should receive. He moved that the petition should be printed.

The motion was agreed to; and the Senate then adjourned.

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WEDNESDAY, June 10.

The amendments to the bill, entitled "An act for the more perfect organization of the infantry of the Army of the United States," having been reported by the committee correctly engrossed, the bill was read the third time, as amended, and, on motion, the title was amended, so as to read as follows: "An act for the more perfect organization of the Army of the United States."

Resolved, That this bill pass with amendments.

The PRESIDENT communicated the report of the Secretary of the Treasury on the petition of William Gamble, made in obedience to a resolution of the Senate of the 5th instant; and the report was read.

Mr. GAILLARD presented the petition of Joseph Willington Page, of Charleston, in the State of South Carolina, merchant, praying to be exonerated from a judgment obtained against him by the United States, as surety in a custom-house bond, for a certain Barnard Laffon, for reasons therein stated; and the petition was read.

The six bills and the resolution brought up yesterday from the House of Representatives for concurrence were read, and severally passed to the second reading.

On motion, the Senate took into consideration the resolution of the House of Representatives, requesting a conference on the disagreeing votes of the two Houses on the bill, entitled "An act to ascertain and establish the western boundary of the tract reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia line on Continental establishment; and, having agreed thereto, Messrs. WORTHINGTON, GILES, and GREGG, were appointed managers on the part of the Senate.

THURSDAY, June 11.

The bill, entitled "An act for the relief of Lieutenant Colonel William D. Beall," was read the second time.

The bill, entitled "An act confirming claims to lands in the Mississippi Territory, founded on warrants of survey granted by the Spanish Government," was read the second time, and referred to a select committee to consider and report thereon; and Messrs. GREGG, TAIT, and WORTHINGTON, were appointed the committee.

The bill, entitled "An act for the relief of Colonel Jonathan Williams," was read the second time, and referred to a select committee to consider and report thereon; and Messrs. GREGG, GERMAN, and DANA, were appointed the committee.

The bill, entitled "An act for the relief of Clement B. Penrose," was read the second time, and referred to the committee last mentioned, to consider and report thereon.

The resolution requesting the State of Georgia to assent to the formation of two States of the Mississippi Territory was read the second time, and ordered to the third reading.

The bill, entitled "An act authorizing the discharge of William Peck from his imprisonment,"

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was read the second time, and referred to a select committee to consider and report thereon; and Messrs. HUNTER, HOWELL, and GOODRICH, were appointed the committee.

The bill, entitled "An act authorizing the remission of forfeited recognisances within the District of Columbia," was read the second time.

The Senate resumed the consideration of the amendment of the House of Representatives to the bill, entitled "An act supplementary to the act, entitled 'An act to establish an Executive Department, to be denominated the Department of War.

On motion, by Mr. LEIB, the bill and amendment were postponed to the first Monday in October next.

The bill, entitled "An act authorizing the cutting and making a canal from the river Potomac around the west end of the dam or causeway from Mason's island, and for other purposes," was read a third time as amended, and passed with amendments.

The Senate resumed the consideration of the resolution reported by the committee on the memorial of General James Wilkinson, which is as follows:

Resolved, That the proper accounting officer of the Department of War be directed, in the settlement of General Wilkinson's account, to place to his credit the sum of four thousand and thirty-six dollars seventy-seven cents.

And the resolution was agreed to, and recommended to the original committee, with instruction to bring in a bill accordingly.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to revive and continue in force, for a limited time, an act, entitled "An act to provide for the refugees from the British provinces of Canada and Nova Scotia, and for other purposes," together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the PRESIDENT reported the bill to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

FRIDAY, June 12.

Mr. GAILLARD presented sundry resolutions, signed by John Geddes, chairman, adopted at a numerous meeting of the citizens of Charleston, in the State of South Carolina, approbatory of the measures of the General Government for the maintenance of the national honor and the preservation of its dignity and independence; and the resolutions were read, and ordered to be printed for the use of the Senate.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing the remission of forfeited recognisances within the District of Columbia."

Ordered, That it pass to a third reading.

Mr. GILES presented a memorial, signed by a great number of the inhabitants of the city of

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Massachusetts Memorial.

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Richmond and town of Manchester, deprecating the calamities of war, but expressing their opinion that, if peace cannot be procured with honor, and war is inevitable, it ought to be declared, not against Great Britain only, but against Great Britain and France; and the memorial was read.

The bill to revive and continue in force, for a limited time, an act, entitled "An act further to provide for the refugees from the British provinces of Canada and Nova Scotia, and for other purposes," passed the 24th day of February, 1810, having been reported by the committee correctly engrossed, was read a third time, and passed.

The resolution requesting the State of Georgia to assent to the formation of two States of the Mississippi Territory, was read a third time, and passed.

On motion, by Mr. REED, the bill, entitled "An act for the relief of Lieutenant Colonel William D. Beall," was referred to a select committee, to consider and report thereon; and Messrs. REED, LAMBERT, and GERMAN, were appointed the committee.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the Senate and House of
Representatives of the United States:*

I transmit, for the information of Congress, copies of letters which have passed between the Secretary of State and the Envoy Extraordinary and Minister Plenipotentiary of Great Britain.

JAMES MADISON.

JUNE 11, 1812.

The Message and copies therein mentioned were read.

MASSACHUSETTS MEMORIAL.

Mr. LLOYD presented a resolution of the House of Representatives of Massachusetts, passed June 2d, instant, expressing their opinion "that an offensive war against Great Britain, under the present circumstances of this country, would be in the highest degree, impolitic, unnecessary, and ruinous;" also, a memorial of the said House of Representatives, passed by a majority of one hundred and sixty-six, on the same subject; and the resolution and memorial were read, and ordered to be printed for the use of the Senate.

They are as follows:

COMMONWEALTH OF MASSACHUSETTS:

IN THE HOUSE OF REPRESENTATIVES,
June 2, 1812.

Resolved, As the opinion of this House, that an offensive war against Great Britain, under the present circumstances of this country, would be in the highest degree impolitic, unnecessary, and ruinous; that the great body of the people of this Commonwealth are decidedly opposed to this measure, which they do not believe to be demanded by the honor or interests of the nation; and that a committee be appointed to prepare a respectful petition to be presented to Congress, praying them to arrest a calamity so greatly to be deprecated, and, by the removal of commercial restrictions, to restore, so far as depends on them, the benefits of trade and navigation, which are indispensable to the prosperity and comfort of the people of this Commonwealth.

TIMOTHY BIGELOW, *Speaker*.

To the honorable the Senate and the House of Representatives of the United States in Congress assembled: The Representatives of the Commonwealth of Massachusetts beg leave respectfully to state:

That, presuming the respectful expression of the public sentiment, from any portion of the Union, might be acceptable to Congress in the present critical state of public affairs, they trust that a communication to your honorable body of the opinions and feelings of the people of this Commonwealth, upon the momentous subject of a British war, will not be construed into a disposition to interfere with the functions of the National Government.

It is with deep regret, and with such emotions as the love of country should inspire, that we perceive the entire failure of the negotiations instituted by the National Government, with a view to obtain from the belligerent nations respect for our neutral rights, and a revocation of edicts which operate so injuriously upon our lawful commerce.

In the present unprecedented posture of Europe, we are firmly convinced that an immense majority of our constituents cannot be reconciled to the belief that an offensive war with Great Britain is demanded by the interest or honor of our country.

We presume not to enter upon a comparison of the injuries sustained by our commerce from the respective nations at war, nor to arraign the conduct which Government has seen fit to adopt, in order to obtain redress. It would be foreign to our present purpose to enlarge upon the duplicity and prevarication exhibited by France in all her negotiations, which aggravate her numerous outrages, or to discuss the motives alleged by Great Britain in defence of a system of retaliation which bears with a severe pressure upon neutral rights. It is sufficient that every consideration arising from good policy, and from the duty of a nation to itself, forbids us to plunge into a war which desolates the European world, and from which it seems to have been the design of Almighty Providence to exempt us, if true to ourselves, by placing us remote from the theatre of their contentions.

An offensive war against any nation can be justified only by the reasonable motive of obtaining reparation for past injuries, or security against future dangers and aggressions. When such, therefore, is the local situation and relations of a country, that the hope of effecting either of these objects is precluded by an overruling necessity, its honor is not stained by yielding to circumstances which it cannot control; nor is the reluctance of its citizens to expose themselves in such case to the certain dangers and calamities of war, a reproach upon their want of sensibility to injury, their courage, or patriotism.

A war with Great Britain would furnish temptations to her Government to sequester the millions belonging to our citizens deposited in that country, and an opportunity to her navy and cruisers to sweep the ocean of the remains of our once flourishing commerce.

The conquest of Canada, the only point in which she is assailable, would afford no indemnification, if achieved, for the losses to which we should be exposed upon our unprotected seaboard, and upon the ocean. Destitute as we are of a navy, and the means of immediate maritime defence, we cannot perceive in what mode a war with this nation, so powerful on the ocean, can promise the attainment of its avowed object—the revocation of the Orders in Council. The Emperor of France having lately republished the decrees of Ber-

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lin and Milan, with renewed assurances of a determination to enforce them, and Great Britain having announced her deliberate purpose of making her Orders in Council commensurate with those decrees, we are impressed with a belief that a war, once begun, must be continued during the present European conflict, and perhaps abandoned, after years of disaster, incident to all wars, without accomplishing the object for which it was undertaken.

We forbear to present to the consideration of your honorable body a detail of those multiplied evils which we anticipate in such a conflict, lest their magnitude and variety might be considered as calculated to depress the just confidence of the people in the national spirit and resources, and to encourage the perseverance of foreign nations in pretensions hostile to our rights. We cannot, however, but hope that Government, having tried for years a system of restrictions which has proved ineffectual in respect to foreign nations, and ruinous to ourselves, will once more restore us to our commercial pursuits, and, without abandoning just claims of reparation, will enable us to aid in those preparations which, in some more auspicious period, may afford capacity of vindicating such claims with a probability of success. And we can, upon this most solemn occasion, appeal to the Searcher of Hearts, that, in this application to your honorable body, we are influenced by no party considerations, no spirit of disaffection, no disposition to embarrass the proceedings, or reproach the motives of any of the Departments of Government. Neither do the people of Massachusetts, unmindful of the example of their ancestors, take counsel from fear. But in this last and respectful effort in behalf of their commercial rights, and to induce the National Government to pause and rescue their country from war, they are impelled by dictates of self-preservation, by their attachment to the Union, by a persuasion of the invincible and growing opposition of the people to these measures, and by duty to themselves, to posterity, and to God.

TIMOTHY BIGELOW, *Speaker*.

IN THE HOUSE OF REPRESENTATIVES,
June 5, 1812.

Ordered, That the foregoing memorial be signed by the Speaker of the House, and, together with the resolve upon which it is founded, be forthwith transmitted to the Congress of the United States, and that the Senators and the Representatives of this Commonwealth in Congress be requested to use their utmost exertions to carry the object thereof into effect.

Attest: BENJAMIN POLLARD, *Clerk*.

SATURDAY, June 13.

Mr. GREGG, from the committee to whom the subject was recommended for the purpose, reported a bill for the relief of James Wilkinson; and the bill was read, and passed to the second reading.

Mr. GREGG, from the committee to whom was referred the bill, entitled "An act for the relief of Clement B. Penrose," reported it without amendment; and, on his motion, the bill was considered as in Committee of the Whole; and, no amendment having been proposed, it was ordered to a third reading.

Mr. SMITH, of Maryland, from the committee appointed on the subject, reported a bill supplementary to the act, entitled "An act to authorize

a detachment from the militia of the United States;" and the bill was read, and passed to the second reading.

The bill, entitled "An act authorizing the remission of forfeited recognisances within the District of Columbia," was read a third time, and passed.

The PRESIDENT signed the enrolled bill last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States.

Mr. SMITH, of Maryland, presented a memorial, signed by Charles Carroll, of Carrollton, and a large number of others, inhabitants of Ann Arundel country, in the State of Maryland, deprecating the declaration of war with Great Britain, and stating their reasons at large against the measure; and the memorial was read.

MONDAY, June 15.

Mr. HUNTER, from the committee to whom was referred the bill, entitled "An act authorizing the discharge of William Peck from his imprisonment," reported it without amendment.

Mr. REED, from the committee to whom was referred the bill, entitled "An act for the relief of Lieutenant William D. Beall," reported it without amendment.

The bill for the relief of James Wilkinson was read the second time.

Mr. TAYLOR presented sundry resolutions, signed W. B. Bullock, chairman, adopted on the third instant, at a meeting of the citizens of Savannah and its vicinity, on the subject of our relations with Great Britain and France, and approbatory of the measures of the General Government for the maintenance of our national rights.

Mr. VARNUM presented the petition of Charles W. Goldsborough and others, praying a charter of incorporation to a company for the establishment of a bank in the City of Washington; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. VARNUM, GREGG, and TAYLOR, were appointed the committee.

A message from the House of Representatives informed the Senate that the House disagree to the amendments of the Senate to the bill, entitled "An act for the more perfect organization of the infantry of the Army of the United States;" they ask a conference on the subject-matter thereof, and have appointed managers on their part. The House of Representatives have passed a bill, entitled "An act confirming grants to land in the Mississippi Territory, derived from the British Government of West Florida, not subsequently regranted by the Government of Spain or of the United States;" also, a bill, entitled "An act supplementary to 'An act authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States;" in which bills they request the concurrence of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

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*To the Senate and House of
Representatives of the United States:*

I transmit, for the information of Congress, copies of letters which have passed between the Secretary of State and the Envoy Extraordinary and Minister Plenipotentiary of Great Britain.

JAMES MADISON.

JUNE 15, 1812.

The Message and copies therein mentioned were read.

The bill supplementary to an act, entitled "An act to authorize a detachment from the militia of the United States," was read the second time.

TUESDAY, June 16.

Mr. GREGG, from the committee to whom was referred the bill, entitled "An act confirming claims to lands in the Mississippi Territory, founded on warrants of survey granted by the Spanish Government," reported it with amendments.

Mr. BAYARD, from the committee to whom was referred the bill, entitled "An act to amend the laws within the District of Columbia," reported it with amendments.

Mr. BAYARD, from the same committee, reported the bill, entitled "An act conferring certain powers on the Levy Court for the county of Washington, in the District of Columbia," with amendments.

The two bills brought up yesterday from the House of Representatives for concurrence were read, and severally passed to the second reading.

The Senate took into consideration the resolution of the House of Representatives requesting a conference on the disagreeing votes of the two Houses on the bill, entitled "An act for the more perfect organization of the infantry of the Army of the United States;" and, having agreed thereto, Messrs. SMITH, of Maryland, ANDERSON, and VARNUM, were appointed the managers on the part of the Senate.

Mr. REED, from the committee to whom was referred the bill, entitled "An act authorizing the President of the United States to lease, for a term of years, one of the public reservations of ground in the City of Washington," reported it without amendment.

On motion of Mr. SMITH, of Maryland, the further consideration thereof was postponed to the first Monday in October next.

Mr. REED, from the same committee, reported the bill authorizing the President of the United States to lease, for a term of years, any part of the reservations of public ground in the City of Washington, without amendment.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Lieutenant Colonel William D. Beall;" and, no amendment having been proposed, it was ordered to a third reading.

The bill, entitled "An act for the relief of Clement B. Penrose," was read a third time, and passed.

The following Message was received from the
PRESIDENT OF THE UNITED STATES:

*To the Senate and House of
Representatives of the United States:*

I transmit, for the information of Congress, copies of a letter to the Secretary of State from the Chargé des Affaires of the United States at London, accompanied by a letter from the latter to the British Minister of Foreign Affairs.

JAMES MADISON.

JUNE 16, 1812.

The Message and documents therein mentioned were read.

WEDNESDAY, June 17.

The bill, entitled "An act confirming grants to lands in the Mississippi Territory, derived from the British Government of West Florida, not subsequently regranted by the Government of Spain or of the United States," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. GREGG, WORTHINGTON, and TAIT, were appointed the committee.

The bill, entitled "An act supplementary to 'An act authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States,'" was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. ANDERSON, GERMAN, and REED, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the President of the United States to lease, for a term of years, any part of the reservations of the public ground in the City of Washington; and, the bill having been amended, the President reported it to the House accordingly.

On the question, Shall this bill be engrossed and read a third time, as amended? it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the issuing of Treasury notes;" in which they request the concurrence of the Senate.

THURSDAY, June 18.

The bill yesterday brought up from the House of Representatives for concurrence was read, and passed to the second reading.

The bill authorizing the President of the United States to lease, for a term of years, any part of the reservations of public ground in the City of Washington, having been reported by the committee correctly engrossed, was read a third time; and, on motion by Mr. BRENT, recommitted to Messrs. REED, BRENT, and GILMAN, further to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act conferring certain powers on the Levy Court for the county of Washington, in the District of Columbia," together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the President reported the bill to the House accordingly.

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On the question. Shall this bill be read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to amend the laws within the District of Columbia," together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The bill, entitled "An act for the relief of Lieutenant Colonel William D. Beall," was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill supplementary to the act, entitled "An act to authorize a detachment from the militia of the United States," passed April 10, 1812.

On motion, by Mr. BAYARD, the bill was referred to a select committee, to consider and report thereon; and Messrs. BAYARD, SMITH, of Maryland, and WORTHINGTON, were appointed the committee.

The injunction of secrecy thereon having been removed, on motion, by Mr. ANDERSON, twelve hundred copies of the confidential Message of the President of the United States of the first of June instant, was ordered to be printed for the use of the Senate.

Certain confidential proceedings of the Senate, since first June, are as follow, the injunction of secrecy having been removed:

MONDAY, June 1, 1812.

A confidential Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

[For this Message, see the *Supplemental Journal* of the Proceedings of the House of Representatives under the date of June 1, 1812, *post*.]

The Message and documents therein referred to were read, and referred to a select committee, to consist of seven members, to consider and report thereon by bill or otherwise; and Messrs. ANDERSON, SMITH, of Maryland, LEIB, CAMPBELL, of Tennessee, HOWELL, LLOYD, and TAYLOR, were appointed the committee.

WEDNESDAY, June 3.

On motion by Mr. BAYARD, the confidential Message of the President of the United States, of the 1st instant, was ordered to be printed for the use of the Senate, under an injunction of secrecy.

FRIDAY, June 5.

A confidential message was received from the House of Representatives, by Messrs. MACON and FINGLEY, two of their members—Mr. MACON, chairman:

Mr. President: The House of Representatives have passed a bill, entitled "An act declaring war

between Great Britain and her dependencies, and the United States and their Territories; in which they ask the concurrence of the Senate; and request that the bill be considered confidentially.

An act declaring war between Great Britain and her dependencies, and the United States and their Territories.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That war be and the same is hereby declared to exist between Great Britain and her dependencies, and the United States and their Territories; and that the President of the United States is hereby authorized to use the whole land and naval force of the United States to carry the same into effect; and to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the vessels, goods, and effects, of the Government of Great Britain, of its subjects, and of all persons inhabiting within any of its territories or possessions.

On motion, the bill was twice read by unanimous consent; and, on motion by Mr. LEIB, it was referred to the committee appointed the 1st instant on the confidential Message of the President of the United States of the same date, to consider and report thereon.

MONDAY, June 8.

Mr. ANDERSON, from the committee to whom was referred the bill, entitled "An act declaring war between Great Britain and her dependencies, and the United States and their Territories," reported the bill with amendments.

The committee also reported sundry communications, confidentially made to them, from the Treasury and War Departments on the subject.

On motion by Mr. LLOYD,

Ordered, That the Secretary furnish copies of the said communications to such Senators as may require them.

TUESDAY, June 9.

On motion by Mr. ANDERSON, the bill, entitled "An act declaring war between Great Britain and her dependencies, and the United States and their Territories," was considered as in Committee of the Whole. Mr. GAILLARD was requested to take the Chair; and, after debate, a motion was made by Mr. GREGG, that the bill be recommitted, for further amendment, to the committee who have under consideration the Message of the President of the United States of the 1st June. And, after debate, the President resumed the Chair, and the Senate adjourned.

WEDNESDAY, June 10.

Mr. GAILLARD was requested to take the Chair.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act declaring war between Great Britain and her dependencies, and the United States and their Territories."

Mr. GREGG, by permission, amended his motion

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for recommitting the bill to the committee appointed on the confidential Message of the President of the United States, of the 1st of June, as follows:

Resolved, That the bill, entitled "An act declaring war between Great Britain and her dependencies, and the United States and their Territories," be recommit-
ted to the committee to whom was committed the Message of the President, of the 1st instant, with instructions to modify and amend the same, in such manner that the President of the United States shall have power to authorize the public armed ships and vessels of the United States to make reprisals upon the public and private ships and vessels, goods, and merchandise, belonging to the Crown of the United Kingdom of Great Britain and Ireland, or to the subjects thereof; and also to grant letters of marque and reprisal, under suitable regulations, to be provided in the bill, to private armed ships and vessels to make like reprisals.

On motion by Mr. SMITH, of Maryland, that the motion be amended, so as that the bill be re-committed to a new committee, it was determined in the negative. And after debate, the President resumed the Chair, and the Senate adjourned.

THURSDAY, June 11.

Mr. GAILLARD was requested to take the Chair.

On motion by Mr. ANDERSON, the bill from the House of Representatives, entitled "An act declaring war between Great Britain and her dependencies, and the United States and their Territories," was resumed, and considered as in Committee of the Whole, together with the motion yesterday submitted by Mr. GREGG; and, on the question to agree to the motion, it was determined in the affirmative—yeas 17, nays 13, as follows:

YEAS—Messrs. Bayard, Condit, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Reed, Smith of New York, and Worthington.

NAYS—Messrs. Anderson, Bibb, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Pope, Smith of Maryland, Tait, Taylor, Turner, and Varnum.

Whereupon, Mr. CRAWFORD resumed the Chair; and, on motion by Mr. ANDERSON, it was ordered that the committee to whom this bill is re-committed have leave to sit immediately.

FRIDAY, June 12.

Mr. LLOYD submitted the following motion for consideration:

"That the President of the United States be requested to cause to be laid before the Senate, confidentially, or otherwise, as he may deem expedient, all the information in the Department of State, not heretofore communicated, having relation to the conduct of Great Britain and France towards the United States."

Ordered, That it lie for consideration.

REPRISALS ON BRITISH COMMERCE.

Mr. ANDERSON, from the committee to whom was recommit-
ted the bill, entitled "An act declaring war between Great Britain and her dependencies, and the United States and their Territories," with instructions to modify and amend the

same, in such manner that the President shall have the power to authorize the public armed ships and vessels of the United States to make reprisals upon the public and private ships and vessels, goods, and merchandise, belonging to the Crown of the United Kingdom of Great Britain and Ireland, and to the subjects thereof; and also to grant letters of marque and reprisal, under suitable regulations, to be provided in the bill, to private ships and vessels to make reprisals, agreeably to said instructions, reported as follows:

"After the word *that*, in the third line of the bill, strike out the residue of the bill, and insert the following amendment:

"The President of the United States shall be and he is hereby authorized, from and after the — day of — next ensuing, to cause reprisals to be made upon the public and private ships and vessels, goods, and merchandise, belonging to the Crown of the United Kingdom of Great Britain and Ireland, or to the subjects thereof, which may be found on the high seas, or elsewhere, after the said — day of — next, excepting such ships, vessels, or property, as now are, or may, before the said — day of — next, be within the ports and harbors, or under the control, of the United States, and all ships, vessels, or property, within the jurisdiction of any Power with whom the United States are not engaged in war; and, for the purposes aforesaid, to instruct the commanders of the public armed vessels which are or which shall be employed in the service of the United States, to subdue, seize, and take, any armed or other British vessel belonging to the said United Kingdom of Great Britain and Ireland, or to the subjects thereof, which shall be found within the jurisdictional limits of the United States, or elsewhere, on the high seas as aforesaid. And such captured vessel, with her apparel, guns, and appurtenances, and the goods or effects which shall be found on board the same, being British property, shall be brought within some port of the United States, and shall be duly proceeded against and condemned as forfeited, and shall accrue and be distributed as by law is or shall be provided, respecting the captures which shall be made by the public armed vessels of the United States.

"Sec. 2. *And be it further enacted*, That the President of the United States shall be, and he is hereby, authorized to grant, to the owners of private armed ships and vessels of the United States, who shall make application therefor, commissions in the form which he shall direct, under the seal of the United States; and such private armed vessels, when duly commissioned as aforesaid, shall have the same license and authority for subduing, seizing, and capturing any armed or other British vessels belonging to the Crown of the United Kingdom of Great Britain and Ireland, or to the subjects thereof, and for the recapturing of the vessels, goods, and effects, of the people of the United States, as the public armed vessels of the United States by law have, and shall be in like manner subject to such instructions as shall be ordered by the President of the United States, in conformity with the established law of nations, and the treaties and laws of the United States, for the regulation of their conduct; and the commissions which shall be granted as aforesaid shall be revocable at the pleasure of the President of the United States

"Sec. 3. *And be it further enacted*, That every person intending to set forth and employ an armed vessel, and applying for the commission as aforesaid, shall pro-

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duce, in writing, the name, and suitable description of the tonnage and force, of the vessel, and the name of residence of each owner concerned therein, the number of the crew, and the name of the commander and the two officers next in rank appointed for such vessel; which writing shall be signed by the person or persons making such application, and filed with the Secretary of State, or shall be delivered to any other officer or person who shall be employed to deliver out such commissions, to be by him transmitted to the Secretary of State.

"*SEC. 4. And be it further enacted*, That, before any commission as aforesaid shall be issued, the owner or owners of the ship or vessel for which the same shall be requested, and the commander thereof for the time being, shall give bond to the United States, with at least two responsible sureties, not interested in such vessel, in the penal sum of — thousand dollars; or, if such vessel be provided with more than one hundred and fifty men, then in the penal sum of — thousand dollars, with condition that the owners, and officers, and crew, who shall be employed on board of such commissioned vessels, shall and will observe the treaties and laws of the United States, and the instructions which shall be given them as aforesaid for the regulation of their conduct, and will satisfy all damages and injuries which shall be done or committed contrary to the tenor thereof by such vessel, during her commission, and to deliver up the same when revoked by the President of the United States.

"*SEC. 5. And be it further enacted*, That all public and private ships and vessels, goods, and merchandise, belonging to the Crown of the United Kingdom of Great Britain and Ireland, or to the subjects thereof, together with their apparel, guns, and appurtenances, which shall be found on board the same, being British property, and which shall be captured by any private armed vessel or vessels of the United States, duly commissioned as aforesaid, shall be forfeited, and shall accrue to the owners thereof and the officers and crews by whom such capture shall be made, and, on due condemnation had, shall be distributed according to any agreement which shall be between them, or, in failure of such agreement, then by the discretion of the court before whom such condemnation shall be.

"*SEC. 6. And be it further enacted*, That all vessels, goods, and effects, the property of any citizen of the United States, or person resident therein, which shall be recaptured as aforesaid, shall be restored to the lawful owners upon payment by them respectively of a just and reasonable salvage, to be determined by the mutual agreement of the parties concerned, or by the decree of any court of the United States having maritime jurisdiction, according to the nature of each case; provided, that such allowance shall not be less than one-eighth, or exceeding one-half, of the full value of such recapture, without any deduction; and such salvage shall be distributed to and among the owners, officers, and crews, of the private armed vessel or vessels entitled thereto, according to any agreement which shall be between them, or, in case of no agreement, then by the decree of the court who shall determine upon such salvage.

"*SEC. 7. And be it further enacted*, That, before breaking bulk of any vessel which shall be captured as aforesaid, or other disposal or conversion thereof, or of any articles which shall be found on board the same, such capture shall be brought into some port of the United States, and shall be libelled and proceeded

against before the district court of the same district; and, after a due course of proceeding, such capture shall be decreed as forfeited in the district court, or in the circuit court of the same district in the case of any appeal duly allowed, the same shall be delivered to the owners and captors concerned therein, or shall be publicly sold by the marshal of the same court, as shall be finally decreed and ordered by the court. And the same court, who shall have final jurisdiction of any libel or complaint of any capture as aforesaid, shall and may decree restitution in whole or part, when the capture and restraint shall have been made without just cause as aforesaid; and if made without probable cause, or otherwise unreasonably, may order and decree damages and costs to the party injured, and for which the owners, officers, and crews, of the private armed vessel or vessels by which such unjust capture shall have been made, and, also, such vessel or vessels shall be answerable and liable.

"*SEC. 8. And be it further enacted*, That all British subjects and others, who shall be found acting on board of any British vessel which shall be captured, or on board of any vessel of the United States which shall be recaptured as aforesaid, shall be reported to the collector of the port in which they shall first arrive, and shall be delivered to the custody of the marshal or some civil or military officer of the United States, or of any State, in or near such port, who shall receive and take into custody the said subjects or persons for their safe-keeping and support, at the expense of the United States."

Amend the title, after the word "act," strike out the rest of the title, and insert "authorizing reprisals against the Crown of the United Kingdom of Great Britain and Ireland, and the subjects thereof."

And the report was read. Whereupon, Mr. GAILLARD was requested to take the Chair; and the bill and amendments were considered as in Committee of the Whole; and, on motion, by Mr. POPE, to amend the report, by inserting, after the word "thereof" in the tenth line of the first section, the words "and, also, upon the public and private ships and vessels, goods, and merchandise, belonging to the Crown of France or to the subjects thereof;" it was determined in the negative—yeas 15, nays 17, as follows:

YEAS—Messrs. Bayard, Condit, Dana, German, Giles, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Pope, Reed, Smith of Maryland, and Worthington.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Gregg, Howell, Leib, Robinson, Smith of New York, Tait, Taylor, Turner, and Varnum.

On the question to strike out, as reported by the committee, for the purpose of inserting the amendments, the yeas were 16, and the nays 16.

On motion, by Mr. LEIB, the yeas and nays having been required by one-fifth of the Senators present, those who voted in the affirmative, are:

Messrs. Bayard, Condit, Dana, German, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Reed, Smith of New York, and Worthington.

Those who voted in the negative, are:

Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Giles,

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Pope, Robinson, Smith of Maryland, Tait, Taylor, Turner, and Varnum.

So the Senate being equally divided, the question was lost, and the original bill was resumed.

On motion, to agree to the first report of the select committee, and strike out of the original bill, line 9, the words "and all persons inhabiting within its territories or possessions:" it was determined in the affirmative—yeas 21, nays 11, as follows:

YEAS—Messrs. Anderson, Bayard, Condit, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Pope, Reed, Smith, of Maryland, Smith, of New York, Varnum, and Worthington.

NAYS—Messrs. Bibb, Brent, Campbell, of Tennessee, Crawford, Cutts, Franklin, Gaillard, Robinson, Tait, Taylor, and Turner.

On motion, it was also agreed to insert the word "and," in the ninth line, after the word "Britain."

SATURDAY, JUNE 13.

The Senate resumed the consideration of the motion submitted yesterday by Mr. LLOYD; and, on the question to agree thereto, it was determined in the negative—yeas 14, nays 17, as follows:

YEAS—Messrs. Bayard, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Reed, and Smith, of Maryland.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell, of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Howell, Robinson, Smith, of New York, Tait, Taylor, Turner, Varnum, and Worthington.

DECLARATION OF WAR.

Mr. GAILLARD was requested to take the Chair; and, on motion, by Mr. ANDERSON, the consideration of the bill, entitled "An act declaring war between Great Britain and her dependencies, and the United States and their Territories," was resumed, as in Committee of the Whole; and having agreed to sundry amendments, the President resumed the Chair; and Mr. GAILLARD reported the bill with amendments, which were considered in Senate and agreed to as follows:

Third line, after the word "between," strike out to the end of the line, and insert, "the United Kingdom of Great Britain and Ireland, and the dependencies thereof."

Line 4, after the word "States," where it first occurs, insert, "of America."

Line 9, after the word "Britain," strike out to the end of the bill, and insert, "the said United Kingdom of Great Britain and Ireland, and the subjects thereof."

A motion was made by Mr. GERMAN, to postpone the further consideration of the bill to the first Monday in November next.

Mr. GERMAN addressed the Chair as follows:

Mr. President: I made the motion to postpone the consideration of the bill now before us, from a conviction that it will be extremely injurious to the country to pass it at this time. I feel, sir, that the State I have the honor to represent has a pe-

culiar interest in the event of this question; and I also feel the weight of the interest which the nation at large has at stake, in the event of the passage of this bill. I therefore consider it a duty I owe my constituents, to use every reasonable exertion in my power to prevent the object of that bill, until the country is better prepared to carry it into effect.

As I presume the war, if declared, is intended to be an offensive one, I will, to establish the propriety of my motion, take a general view of the situation of this country; of its means to carry on offensive operations, as well as to defend itself, and of the situation and relative strength also of the country we are required to make war upon.

I am ready to allow, Mr. President, that both Great Britain and France have given us abundant cause for war; on this occasion, therefore, I shall dispense with using any argument which might serve to show, that if we were even in a state of preparation, and possessed the means of insuring a favorable issue, it would be bad policy for this country, at the present time, to enter into war with Great Britain, although perhaps many weighty reasons might be adduced in support of such argument.

I will first call the attention of the Senate to the ability and strength of the nation we are about, by this bill, to declare war against. Gentlemen ought to recollect, that Great Britain has been almost constantly engaged in war for twenty years past against one of the most powerful nations that ever existed; and for a considerable part of that time, the energies of her enemy have been directed by war's favorite genius—NAPOLEON, who has succeeded in uniting nearly the whole force of the Continent of Europe against her: against that very nation which we are about to assail; and what has been the effect? Is Great Britain less powerful now, than she was twenty years ago? No, sir, this constant warfare has increased her powers instead of diminishing them. At the commencement of the war, France was nearly her equal on the ocean, and several other nations of Europe maintained a powerful naval force. But what is their situation at present? Has not Great Britain driven them all from the ocean? And does she not remain sole mistress? I ask, gentlemen, if her ability to carry on a distant war by land or sea, has diminished? The answer must be that it has increased with her navy, and extended with her dominion. Great Britain now commands the strength and resources of most of the West India islands, and many of the islands in the Indian Ocean. She controls the destinies of more than thirty millions of people on the Continent of Asia. And she has, at this time, or will have, if we engage in a war with her, the exclusive benefit of the trade of the world; and under these circumstances possesses the ability to carry on a war in distant countries across the ocean, beyond any nation ever heard of.

These considerations, Mr. President, lead me to the view of our situation and means of defence, and of our ability to carry immediate war into the colonies of Upper and Lower Canada. I will first

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consider the situation of our maritime frontier, beginning at New Orleans, and examine the situation of that place. We learn from the War Office that there is *little* rising of one hundred regular troops stationed near the city for its defence. Now I will ask any gentleman if that paltry force is sufficient for that object; and if it will not be in the power of the British to take possession of that city within sixty days after your declaration of war against them? If gentlemen calculate on the goodness and forbearance of the enemy, I think they will be deceived. Great Britain is a wily, active nation. She has been trained to war. She will not measure her steps and movements by ours; if we are not prepared to defend our seaports, she will not wait until we are; and should she get possession of New Orleans, it will cost much blood and treasure to dislodge her. Passing northerly along our coast, let us see what is the situation of our most valuable cities. Charleston and Norfolk, as well as many other places of less consequence, are found exposed to marine attacks. And when we reach the city of New York (the nation's great emporium of trade) do we, on viewing its situation, and strength of the public works for its defence, find it in a perfect state of security? No, sir, unless the greatest part of your frigates are stationed there, to aid your fortifications and gunboats, it will fall a prey to the enemy. It can be assailed by a small fleet, with every prospect of success. The only resistance they would meet with would be in passing the fortifications on Staten Island, and perhaps a few shots from Bedlow's and Ellis's Islands. They might soon place themselves abreast the works at the upper end of the city, the weakest of them all. And I have no doubt two seventy-fours might silence this work in twenty or thirty minutes. They would then meet with no other resistance than from travelling guns on the shore and from the docks. The result would probably be, that the city would be set on fire, or a contribution extorted from its inhabitants. I will now pass on to Rhode Island. Does the prospect of security there flatter us? No, sir. I am told by competent judges that nothing short of a force of from three to five thousand men can defend that island. Boston, it is said, can be defended, and is, perhaps, the only secure place of considerable consequence on the seaboard. In viewing the situation along the province of Maine, and our northern frontier up the river St. Lawrence, and the Lakes to Fort Malden, and from thence to the Mississippi, do we not find almost every point and place where there are inhabitants, subject to the incursions of the enemy? Have they not more troops on and near the line than we have? Yes, sir, they have ten to our one, and a militia which the Government of Canada have been fully vigilant in training. I understand that ever since the prospect of war began to thicken in the political horizon, they have trained their militia three or four times a month, and have paid them daily wages for their services. Not so, sir, with our militia—they have, it is true, been called into the public service to do the duty of regular troops; and what is now

their situation? Sixteen hundred of the militia of the State of New York have been ordered into public service, on the frontiers of that State, and have, as I am informed, marched to their place of destination. There we find exhibiting a spectacle that would wound the feelings of the most callous man—*without hats, without blankets to cover them, without camp kettles to cook the miserable provisions furnished them by the Government contractors, or any one necessary for camp equipage. Their officers with the utmost difficulty preventing their marching home for self preservation.* Here, Mr. President, I wish to call the attention of the Senate to the propriety and constitutionality of calling out this detachment of militia at a time when no enemy menaced an invasion. The Constitution only authorizes the General Government to call out the militia to suppress insurrection, enforce the laws, and repel invasion. And I would ask whether either of these events had happened when this corps of militia were ordered out? No. It is well known that no such emergency existed. But they have this miserable consolation, that they are to receive six dollars and two-thirds a month, for their services, finding their own clothes, arms and accoutrements. I do not mention these things with a wish to discourage the militia from serving their country when necessary, nor do I believe defending them in their constitutional rights will have that effect, for I am fully aware that there is no class of citizens more patriotic or willing to defend their country than they are, and will be so found when the safety of it shall really demand their services.

I will now resume the consideration of our situation up the Lakes to Detroit and Fort Malden. Here it must be remembered that the British command the Lakes. We are told that Governor Hull is marching to the defence of Detroit with twelve hundred militia from the State of Ohio, together with four hundred regular troops, formed and disciplined for action by the brave Colonel Boyd. These troops, I hope, will be better supplied and provided for than those on the frontier of New York. It is whispered by some of the favorites who are suffered to know the projects of our Government, that the British have sent a part of their regular troops, together with a number of Indians, from Fort Malden to Fort Erie, near the Falls of Niagara; and this is taken as certain evidence of the weakness of the garrison at Fort Malden, and that that fort may consequently be surprised and taken by Governor Hull with little difficulty. Now I draw the exact contrary conclusion from this circumstance; for the British must have known that Governor Hull was on his march to Detroit, and if they had been weak at Fort Malden they never would have detached part of their force and sent it to the aid of Fort Erie. But presuming they had not heard of Governor Hull's march, and that they had left that fort comparatively defenceless, they will assuredly learn it soon enough to have the detachment return by water before Governor Hull can reach Malden. And if in the attempt to take Fort Malden, Governor

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Hull should meet with a defeat, the consequences will be alarming; for no reinforcement can be sent him, nor any assistance afforded soon enough to prevent a disastrous termination of the expedition. In that case the British, with a partial aid from the Indians, might cross the river and take possession of Detroit; and if they should then obtain the assistance of the Indians generally, it will be in their power to drive in all the frontier settlements of Ohio; and there can be little doubt when this war is once commenced that nearly all the Indians will flock to the British standard. I will here take the liberty of adverting to complaints of our Government, in the diplomatic correspondence with Mr. Foster; and must acknowledge, after so much talk about British perfidy, with regard to exciting the Indians to make war upon us, I am disappointed when I refer to the proof offered by the Executive on that subject. I did expect that after it was made a particular part of an Executive message, the proof offered in its support would have been clear and conclusive. Far be it from me that I should wish to become the apologist for any of the aggressions of the British upon our rights, or any of their unfriendly conduct towards us, but I think, if our Executive instead of carping and scolding about the vigilance of the British, in inducing the Indians to join them, in the event of a war between the two countries, had been more vigilant in furnishing the Indians with the necessaries they had been in the habit of receiving from our public trading houses and other sources, and had seasonably recommended to Congress to have authorized the Executive to make the Indians some suitable presents, at proper times, it would have been productive of more good to our western frontier. It is said that the British furnish the Indians with arms and ammunition; well, do not our public stores and traders do the same? And do not the Indians depend upon their arms and ammunition for their daily subsistence? It should be recollected that they are a people who live by hunting, and they must be supplied with arms and ammunition from some quarter or other. While I am on this subject, Mr President, I will beg leave just to notice the Indian war between the troops under the command of Governor Harrison, and the Prophet and his adherents—I mean the famous battle of Tippecanoe; and I will ask, sir, for what purpose was Governor Harrison and the army under his command sent against those people?

If there was any disagreement between the Indians and our Government, why were not discreet commissioners sent to treat with them first, and let them know that the Government was willing to do them justice? It is natural to suppose that the Prophet and his four or five hundred associates would never have calculated on coercing the Government of the United States out of much more than what was their just right to receive. And, upon what authority was this war waged? Was not our army collected and marched two or three hundred miles, in a threatening manner, and without any declaration of war? And did not Governor Harrison plant his army in a me-

nacing attitude before the Indian town, on their own lands, and in their own territory? And had not the Prophet and his party sufficient reason to believe that everything dear to them was at stake? Yes, sir, their homes, their firesides, and their all, was about to be destroyed, except they submitted unconditionally to the commander who had, perhaps, been the cause of all the difficulty which subsisted between the Indians and our Government. And I must here ask, Mr. President, if any one can blame the Indians for fighting, under such circumstances? No, sir, I conceive if they had not fought they would have debased human nature itself. Since, then, this flame is kindled, and that, too, by ourselves, is it prudent to wage a premature war with Great Britain, and bring her force in reality and openly in aid of the savage tomahawk and scalping-knife, already raised against our innocent frontier settlements? I think the more prudent course would be first to treat with the Indians, to send some two or three discreet and proper men among them to promise them justice and friendship, and really to perform what is just and right towards them; and, then, my word for it, they would be willing to remain at peace with us. In the mean time let us raise and discipline our army and fortify our seaports and harbors. And when we are prepared, if Great Britain does not, in the mean time, do us justice, we can then attack her colonies with more certain prospects of success; and, with the satisfaction, too, of having first detached from her the aid of a savage enemy, whose known rule of warfare is to spare neither age nor sex.

I will next, Mr. President, take a view of our real effective disposable force, which, in the event of immediate war, is to protect and defend the vast extent of our Northern and Western frontier, which will be exposed to the incursions of the enemy, especially if we have war with the British and Western Indians, both at the same time. If we may consider the statement obtained from the head of the War Department, as correct, what a discouraging appearance does it afford us! The records in the War Office tell us that, including officers, there are between six and seven thousand men in the two old armies; but as to the new army of 25,000 men, it is difficult to give any certain account of the number recruited. It is, however, said, that orders have been issued directing the recruiting officers to make monthly returns; but, from information which cannot be doubted, it seems that these orders have not been observed; so that the War Department are quite in the dark as to the number actually enlisted in the new army. I understand, however, that an estimate, by the head of the War Department, sets them down at about five thousand, more or less, I suppose, as the case may be. But, supposing our three distinct armies to actually consist of nine thousand men, exclusive of the sick, (which will be found a very liberal estimate,) they do not then give you men enough to man the guns in the works for the defence of the Western frontier and seaports. The most of the six thousand men of the old army appear to be

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spread over the whole extent of the United States and their Territories; and, this being the case, where is the army to come from for the invasion of Canada? If gentlemen calculate on the new army of 25,000 men for that purpose, I will ask them to show me the army, or inform me where it may be found? Is it under the direction and daily discipline of the Commander-in-Chief on the grand rendezvous at Albany; or is it only an army on paper; or is it the small part which may be recruited, and are spread over the Union at the different recruiting places, following the recruiting sergeant, and the drum and fife, in the rags which happen to cover them when they enlist; and not knowing how long they may remain in that forlorn condition, for the want of provident care in the War Department?

But, Mr. President, I will, for a moment, suppose this army was raised, and marched on to the grand parade near Albany; and I will then ask, sir, how soon it could be sufficiently disciplined and formed fit for actual service? I do not pretend to have much military skill, but I am informed by those in whose judgment and experience I can confide, that nine months, at least, is necessary for this purpose, when an army is made up of raw recruits. Young men who have done little or no military duty, collected from the different States of the Union, inhabiting different climates, and possessing different customs and manners, as well as prejudices; under such circumstances, it will, I have little doubt, require a whole year to form the platoon officers of this army; and officers cannot discipline the men till they learn their own duty. I believe it is quite as important to have your officers understand their duty as the men; if not more so; because the soldiers, in the movements and evolutions of an army, are mere machines, actuated by the directions of their officers; which, if we view the higher grades of such as the field, staff, and general officers, can we with propriety calculate on the experience of those among them whose services in our Revolutionary war have justly entitled them to our attention at the present crisis in as ample and confidential a manner as if no recess or lapse of experience had taken place? It strikes me, sir, that it may be fairly questioned whether, from age and the want of practice since 1783, they have not lost that knowledge their hard experience had formerly afforded them. However, sir, for my part, I am always willing to repose the greatest confidence in our Revolutionary officers and soldiers, and trust the young soldiers will prove themselves equally worthy of my confidence.

Before we take the step proposed by the bill before us, I think we ought also to make some calculation on the general state of the nation. Except some trifling Indian war, it will be recollected we have been twenty-nine years at peace, and have become a nation, in a great degree, of active money-makers. We have lost much of the spirit of war and chivalry possessed by our Revolutionary fathers; and we are a people, also, not over fond of paying taxes to the extent of our

ability, and this because our purses have been sweated down by our restrictive system, till they have become light.

I shall now beg leave to trespass on your attention, Mr. President, while I advert to the situation of our small but daring navy, the increase of which, it will be remembered, has been decided against by this Senate during the present session. It is true, provision has been made for rebuilding some three or four frigates, which had been deemed unworthy of repair; and that a small sum of money has been appropriated for the purchase of materials for building some vessels of war at a future day, but the appropriation is so scanty that very little can be expected from it. I am, however, ready to acknowledge that the few ships we have ready for service are good ones, and I have no doubt but they are kept in proper order for immediate and active employment. This, however, I am perfectly confident of, that there is not a braver set of officers and sailors in existence, than those by whom they are commanded and manned; but we cannot, therefore, expect that this little fleet, if it may be so called, can be competent to hold in check any detachment that Great Britain is able to send upon our coast from her thousand ships. It would be a sacrifice of justice to imagine it. Prior to any declaration of war, Mr. President, my plan would be, and my first wish is, to prepare for it—to put the country in complete armor—in the attitude imperiously demanded in a crisis of war, and to which it must be brought before any war can be effective—this, too, would be agreeable to the recommendation of the Executive; but I would not first rashly commit the nation by such a measure, and then begin to look about us and try to make preparation for meeting the calamity we have, without consideration, brought upon ourselves.

It will be necessary, Mr. President, to take a view of the subject of ways and means on this occasion, and see what aspect the finances of the nation afford. It is well known to every member of the Senate, that our Treasury is empty, and that the Government has been under the necessity of authorizing loans in time of peace; but has the sanguine expectations relative to the subscriptions for the eleven million loan, authorized this session, been at all answered? I believe not. If my recollection serves me faithfully, there is about five millions still wanting to complete the subscription to the loan for the current year's expenditures; and here it is worthy of remark, what quarter of the Union has been most remiss on this patriotic occasion. If I were to inquire how much the States beyond the Alleghany mountains have subscribed to this loan, I believe the answer would be, not one dollar; but, sir, if the people in those States have not been found forward in their subscriptions towards carrying on the war, their Representatives have made up for this deficiency by being forward and liberal enough in their war speeches. They have raised the war-whoop equal to those of any section of the Union, and particularly the representation from the State of Kentucky, one of the

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gentlemen, in this Senate, only excepted. After the war is once commenced, however, I presume gentlemen will find something more forcible than empty war speeches will be necessary. It will not be sufficient, then, to rely on war speeches, documents, nor proclamations, to repel the attack of an enemy, or to carry war into their territory. And I have understood that the people of those States are not extremely partial to internal and direct taxes, nor were they very promptly collected and paid there, when formerly laid, under the Administration of Mr. Adams.

In crossing the Alleghanies, we look almost in vain in the States of Georgia and South Carolina for that liberal spirit in contributing to the loan, which was no doubt so much relied on by their representation in the famous war speeches, when they urged war on almost any terms. The banks and people of those States, in refusing to subscribe, have evinced a backwardness, which, from the language of war held by their representation, was least to have been expected; although it is there perhaps that we may find the combustibles which have kindled this mighty war flame, and precipitated this nation to the verge of ruin. We will now, sir, pass on to good old Virginia, the Ancient Dominion—that proud State, which has governed this nation twenty years out of twenty-four—and there, sir, we may also look for her full proportion of the cause and origin of this untimely war measure, this fatal tragedy, which, before it is over, will cause the country to suffer pain in every member, and to bleed at every pore. Yes, sir, if Virginia's sons have not been as open and ardent in producing this fatal bill as those of some other States, they have no doubt acted their part well behind the curtain as prompters. But how stands this proud head of the nation on the books for the subscription to the loan? Has she, by the paltry sum she has subscribed, evinced her determination to avenge her country's wrongs? Or has she, by that, supported the zeal so strongly and so repeatedly professed? We shall find, sir, that these States will not be more liberal in furnishing soldiers to fight your battles than they have been in assisting in the means of maintaining and paying them. Their liberality and willingness to furnish your armies, and every other place in the Government, with officers, I do not doubt; but further, or other aid, need be little expected.

If this representation I have been making to the Senate be facts, whence are we to expect subscriptions to fill the remainder of this loan, and where is the money to come from after this year? It is not, I believe, to be expected from those States whose Representatives seem to be so liberal in votes and speeches for immediate war; but, if it is to be filled at all, it must be done by the States and people north of the Potomac. Yes, sir, both the money and men to carry on the war, must mostly come from the Northern States, where the people are opposed to entering into the war in this blind and rash manner, without system or preparation. And, according to the calculation of the Secretary of the Treasury, who

I imagine to possess as much sagacity as any of the Cabinet, we have no reason to expect loans in future for carrying on the war short of eight per cent.; and when that takes place, we may freely say, we have seen nearly all the measures of Mr. Adams's Administration revived.

Mr. President, I have now taken a view of the ability of the country we are about to make war upon, to sustain that war, and make it terrible to us; I have also shown the wretched unprepared situation my country is in, to repel the attacks of an enemy, much less of carrying war into the enemy's territory with a probability of success. If I have given a true statement of the situation of the disposable force of the two countries; if I have drawn a true picture (although a very disagreeable task for me to perform) of the situation of our country, and of our present inability to make war upon Great Britain; and if I have not been deceived by my zeal and anxiety to check the passage of this bill and to avoid the evils which in my judgment it will bring upon my beloved country, (and my honest conviction is that I have not,) can it be possible, that as grave and discreet a body as this Senate, with the acknowledged justice of my statements before them, will, at this time, pass the bill under consideration? Can we look for a blessing without the use of rational means? Does God in his providence ever dispense his blessings on any but those who are vigilant in the use of means? Can we expect to reap, if we neglect to sow? If we do, the crop will surely be briars, thorns, and thistles. I most call on every member of this Senate to pause before he leaps into or crosses the Rubicon—declaring war is passing the Rubicon in reality, and you cannot recross it when you please. It must be remembered, that when you once declare war, you must obtain the consent of your enemy before you can make peace. And gentlemen may be assured that if we do not pause and reflect, before we act, the people will reflect and examine our deeds after we have acted; and if, contrary to every principle of prudence and common sense, we at this time declare war, the people, who are always governed by the rules of common sense, deduced from practical observation, will, after they have had time to reflect, dismiss us as unprofitable servants.

I do not, Mr. President, oppose the passage of the bill at this time, or press so hard for its postponement, because I doubt the justice of our cause or perfidy of the enemy, we are about to declare war upon. Nor should I have doubted our own ability, had our resources been well husbanded, for four or five past years, to make the war terrible to our enemy—but the tale of the bad management of our resources, is too obvious and too lamentable to be told at this time; although, without subjecting myself to the charge of raising a cry against the Executive, I may assert, it is a notorious and lamentable fact, that the President neglected to fill the ranks in the additional army, during the period between the adjournment of the last and the meeting of the present Congress; and he has also neglected to direct the purchase of

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the necessary munitions of war when appropriations had been made by the Eleventh Congress, for both purposes. These neglects naturally created a suspicion of the sincerity of the President's War Message. There is another fact, a serious a material fact, which I have heard acknowledged by almost every member of this Senate: it is this, that the head of the War Department is in a great degree deficient in skill, unable to systematize, and wanting energy to execute the necessary business of that department. Why not place a man of competent ability at the head of your War Department, one who will reduce the business of that department to order, who will mark out a regular system of discipline and government for your Army, and more particularly the staff of it; so that when your disposable force may be brought to act upon the enemy there may be a prospect of advantage or victory?

If the taking of Canada, Mr. President, is the real object of the war, no discreet Executive would wish that war declared, until he saw a force raised, concentrated, and disciplined, that would warrant the calculation of Montreal's being in our possession within six weeks after the declaration; for if Canada is not assailed in this manner, the conflict must be lengthy, and consequently more bloody if not doubtful. If you commence the attack at Fort Malden, and pursue the enemy down the lakes and rivers, they will be falling back or retreating on their reinforcements, and constantly increasing and concentrating their forces; and would perhaps be able to hold your army in check before it reaches Montreal; but let your army be enabled by its strength to first possess itself of Montreal, and all the upper country must fall of course; you would then soon be able to draw the line dividing your army and that of your enemy between Montreal and Quebec, and when this is accomplished you have put an end to the Indian war, by cutting the Indians off from any further succor from the British. Did I wish, sir, to embarrass the Executive at the expense of the blood and treasure of my country, I would vote for the immediate passage of this bill; I would strive to bring on premature war, especially since he has recommended it; and I must, sir, be here permitted to ask, who displays the greatest friendship for the President, those that wish to plunge him and the nation down the precipice which presents itself to us, or those who wish to check this hazardous—this uncertain step?

I do not, Mr. President, draw all these discouraging pictures, or relate these lamentable facts, because I would shrink from the conflict or terrors of war, for the defence of the rights of my injured country, sooner than any gentleman of this Senate, nor with a wish that all these evils may be realized; my object is to avert them from my country. I do it, sir, to check the precipitate step of plunging my country prematurely into a war, without any of the means of making the war terrible to our enemy; and with the certainty that it will be terrible to ourselves, or at least to our merchants, our seaports, and cities.

Yes, sir; the millions that your merchants will lose in consequence of this rash, this premature step, will strike them with terror and dismay from New Orleans to Maine; and how lamentable it is that a war, which has for its avowed object the protection of commercial rights, should be commenced at a time and in a manner which will prove more destructive to commerce itself than all the plunderings and burnings of both France and England. But I conclude the ostensible object of this war is to force the cotton and tobacco trade into the continent of Europe, and to support the Executive in the declaration, that the Berlin and Milan decrees are revoked; but it should be recollected, that it will not only be necessary in order to enforce a market for our cotton and tobacco upon the Continent, to obtain a repeal of the British orders; but it will be also necessary to force Napoleon to give up his continental system, or make an exception in it in our favor; and even if he permits us to go to the Continent with the produce of our soil, his tariff of duties is an exclusion to our trade, for cotton and tobacco will scarcely pay freight and charges. I must now ask, sir, with what force we are to effectuate all these desirable objects? Are our six thousand men, and the few raw recruits of the new army spread over the vast extent of these United States and their Territories, and our little fleet of four or five frigates, equal to the invasion of the Canadas, and the protection of our maritime frontiers, and to strike the British Government and the inflexible Napoleon with such terrors, that we are to expect they will abandon their system of warfare against each other? I presume no one will pretend to say they are. Well, then, why declare war at this time; why will gentlemen not defer until your new army of twenty-five thousand men are raised and disciplined fit for service? It must be believed, sir, if we now declare war, that the object of it is not for the reduction of Canada, because we have not the means provided; and I am somewhat at a loss to discover the real object, but if I dare indulge a suspicion that the real and avowed objects are different, I should say this war is to be declared, but not prosecuted, other than in a defensive manner, and consequently altogether within our own territory, and to operate as an enforcement of the restrictive system, and may with propriety be called the terrapin war, and be by some considered more popular than a continuance of the embargo.

I have heard some complaints and charges of inconsistency against those members of Congress who voted for raising the twenty-five thousand men, because they would not now vote for war! I never once supposed, nor would anybody in their senses suppose, a vote to raise an army as a preparatory measure to coerce justice from a neighboring nation, would impose the obligation of voting for a declaration of war, before that army should be raised. For my part, sir, ever since I had the honor of a seat in this Senate, I have uniformly voted appropriations for the putting my country in a state of defence, and to pre-

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pare it for war. A country well prepared to meet war will scarcely find war necessary, but if it cannot be avoided, preparation does away half its terrors. And if gentlemen will show me an army of twenty-five thousand men, well formed, disciplined, and supplied, at the place of the grand rendezvous near Albany, give us a reasonable increase of our navy, and will place both the great belligerents on the same footing, (as I consider them equal trespassers on our rights,) then, I say, if Great Britain will not do us justice, I will vote at the proper time a declaration of war against her; and I will use my utmost exertions to make the war terrible to her—but to declare war without the means of making the enemy feel its horrors, and at a time when it must produce evil and terrors only to ourselves, strikes me with astonishment. If war is declared before we have a force raised sufficient to subdue Canada, we shall have war upon our northern frontier, and perhaps it will be pushed into our territory; this will be particularly alarming and distressing to the inhabitants on the Canada line; and your militia will be called out from their usual business and avocations of life, into the field, as soldiers for the protection of the frontier settlements, and you will have all the expense of a regular campaign, without any of its benefits; besides that, the evils attending upon calling a large portion of the militia into actual service for any considerable time, is almost incalculable. After a short time, sickness, death, and many other evils will teach you the impropriety of relying on them for the carrying on the war; and the discouraging effects, which these calamities naturally attendant on militia camps will have on the community, when those who survive return home to their families and friends, and tell the mournful tale, are to be seriously deprecated.

But, sir, when I look round this Senate, and see a number of our Revolutionary patriots who have grown gray in the service of their country, my hopes are cheered. It is to them I look at this time; it is from their experience and discretion (venerable fathers of their country) that that country expects this impending evil to be averted. And can it be possible that the younger men of this Senate, who must have descended from so discreet and noble an ancestry as their Revolutionary fathers proved themselves to be, should suffer their judgment to be so misled as to vote against the postponement of this measure, which may, if it passes under the present circumstances, put to the test the very existence of the Constitution under which we have enjoyed so much liberty and happiness, and the attainment of which cost our fathers so much blood and treasure!

MONDAY, June 15.

The Senate resumed the consideration of the bill, entitled "An act declaring war between Great Britain and her dependencies, and the United States and their territories," together with the motion made by Mr. GERMAN to post-

pone the further consideration thereof until the first Monday in November next:

And on the question to agree to the motion, it was determined in the negative—yeas 10, nays 22, as follows:

YEAS—Messrs. Bayard, Dana, German, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, and Reed
 NAYS—Messrs. Anderson, Bibb, Brent, Campbell, of Tennessee, Condit, Crawford, Cutts, Franklin, Gailard, Giles, Gregg, Howell, Leib, Pope, Robinson, Smith, of Maryland, Smith, of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On motion, by Mr. LEIB, to amend the bill, as follows:

"After the word 'that,' in the third line, to strike out to the end of the bill, and insert 'the President of the United States shall be, and he is hereby, authorized to cause reprisals to be made upon the public and private ships and vessels, goods, and merchandise, belonging to the Crown of the United Kingdom of Great Britain and Ireland, or to the subjects thereof, which may be found on the high seas or elsewhere, excepting such ships, vessels, or property, as now are, or may be, within the ports and harbors, or under the control, of the United States, and all ships, vessels, or property, within the jurisdiction of any Power with whom the United States are not engaged in war; and for the purposes aforesaid to instruct the commanders of the public armed vessels which are or which shall be employed in the service of the United States to subdue, seize, and take, any armed or other British vessel, belonging to the said United Kingdom of Great Britain and Ireland, or to the subjects thereof, which shall be found within the jurisdictional limits of the United States or elsewhere on the high seas as aforesaid; and such captured vessel, with her apparel, guns, and appurtenances, and the goods or effects which shall be found on board the same, being British property, shall be brought within some port of the United States, and shall be duly proceeded against and condemned as forfeited, and shall accrue and be distributed as by law is or shall be provided respecting the captures which shall be made by the public armed vessels of the United States.

"SEC. 2. *And be it further enacted*, That the President of the United States shall be, and he is hereby, authorized to grant, to the owners of private armed ships and vessels of the United States, who shall make application therefor, commissions, in the form which he shall direct, and under the seal of the United States; and such private armed vessels, when duly commissioned as aforesaid, shall have the same license and authority for the subduing, seizing, and capturing any armed or other British vessel belonging to the United Kingdom of Great Britain and Ireland, or to the subjects thereof, and for the recapture of the vessels, goods, and effects, of the people of the United States, as the public armed vessels of the United States may by law have: and shall be, in like manner, subject to such instructions as shall be ordered by the President of the United States, in conformity with the established law of nations, and the treaties and laws of the United States, for the regulation of their conduct; and the commissions which shall be granted as aforesaid shall be revocable at the pleasure of the President of the United States.

"SEC. 3. *And be it further enacted*, That every person intending to set forth and employ an armed vessel, and applying for a commission as aforesaid, shall produce in writing the name and a suitable description of

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the tonnage and force of the vessel, and the name and place of residence of each owner concerned therein, the number of the crew, and the name of the commander and the two officers next in rank, appointed for such vessel; which writing shall be signed by the person or persons making such application, and filed with the Secretary of State, or shall be delivered to any other officer or person who shall be employed to deliver out such commissions, to be by him transmitted to the Secretary of State.

"SEC. 4. *And be it further enacted*, That, before any commission as aforesaid shall be issued, the owner or owners of the ship or vessel for which the same shall be requested, and the commander thereof for the time being, shall give bond to the United States, with at least two responsible sureties, not interested in such vessel, in the penal sum of — thousand dollars; or, if such vessel be provided with more than one hundred and fifty men, then in the penal sum of — thousand dollars; with condition that the owners and officers and crews who shall be employed on board of such commissioned vessel shall and will observe the treaties and laws of the United States, and the instructions which shall be given them for the regulation of their conduct; and will satisfy all damages and injuries which shall be done or committed contrary to the tenor thereof by such vessel during her commission, and to deliver up the same when revoked by the President of the United States.

"SEC. 5. *And be it further enacted*, That all public and private ships and vessels, goods, and merchandise, belonging to the Crown of the United Kingdom of Great Britain and Ireland, or to the subjects thereof, together with their apparel, guns, and appurtenances, and any goods or effects which shall be found on board the same, being British property, and which shall be captured by any private armed vessel or vessels of the United States, duly commissioned as aforesaid, shall be forfeited, and shall accrue to the owners thereof, and the officers and crews by whom such capture shall be made; and, on due condemnation had, shall be distributed according to any agreement which shall be between them, or, in failure of such agreement, then by the discretion of the court before whom such condemnation shall be.

"SEC. 6. *And be it further enacted*, That all vessels, goods, and effects, the property of any citizen of the United States, or person resident therein, which shall be recaptured as aforesaid, shall be restored to the lawful owners, upon payment by them, respectively, of a just and reasonable salvage, to be determined by the mutual agreement of the parties concerned, or by the decree of any court of the United States having maritime jurisdiction, according to the nature of each case: *Provided*, That such allowance shall not be less than one-eighth, or exceeding one-half of the full value of such recapture, without any deduction. And such salvage shall be distributed to and among the owners, officers, and crews, of the private armed vessel or vessels entitled thereto, according to any agreement which shall be between them; or, in case of no agreement then by the decree of the court who shall determine upon such salvage.

"SEC. 7. *And be it further enacted*, That, before breaking bulk of any vessel which shall be captured as aforesaid, or other disposal or conversion thereof, or of any articles which shall be found on board the same, such capture shall be brought into some port of the United States, and shall be labelled and proceeded

against before the district court of the same district; and if, after a due course of proceedings, such capture shall be decreed as forfeited in the district court, or in the circuit court of the same district, in the case of any appeal duly allowed, the same shall be delivered to the owners and captors concerned therein, or shall be publicly sold by the marshal of the same court, as shall be finally decreed and ordered by the court; and the same court which shall have final jurisdiction of any libel or complaint of any capture as aforesaid, shall and may decree restitution, in whole or in part, when the capture and restraint shall have been made without just cause as aforesaid; and, if made without probable cause, or otherwise unreasonably, may order and decree damages and costs to the party injured, and for which the owners, officers, and crews of the private armed vessel or vessels by which such unjust capture shall have been made, and, also, such vessel or vessels, shall be answerable and liable.

"SEC. 8. *And be it further enacted*, That all British subjects and others who shall be found acting on board any British vessel which shall be captured, or on board of any vessel of the United States which shall be recaptured as aforesaid, shall be reported to the collector of the port in which they shall first arrive, and shall be delivered to the custody of the marshal, or some civil or military officer of the United States, or of any State, in or near such port, who shall receive and take into custody the said subjects or persons for their safe-keeping and support, at the expense of the United States.

"SEC. 9. *And be it further enacted*, That, from and after the — day of — next, the President of the United States be, and he is hereby, authorized to employ the naval force of the United States to make reprisals upon the public and private armed vessels, goods, and merchandise belonging to the Emperor of France and King of Italy, or his subjects, which may be found on the high seas and elsewhere, and to issue letters of marque and reprisal to the private armed ships or vessels of the United States against the vessels, subjects, and property of the said Emperor of France and King of Italy, under the provisions and limitations contained in this act in respect to the United Kingdom of Great Britain and Ireland; if, on or before the said — day of —, the said Emperor of France and King of Italy shall not give to the President of the United States satisfactory and unequivocal evidence of the repeal of the Berlin and Milan decrees, so far as they relate to the neutral commerce of the United States."

On motion, by Mr. ANDERSON, to strike out the ninth section of the proposed amendment, it was determined in the negative—yeas 14, nays 18, as follows:

YEAS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Giles, Robinson, Tait, Taylor, Turner, and Varnum.

NAYS—Messrs. Bayard, Condit, Dana, German, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Pope, Reed, Smith of Maryland, Smith of New York, and Worthington.

On the question to strike out the original bill after the word "that," as proposed by Mr. LEIB, it was determined in the negative—yeas 15, nays 18, as follows:

YEAS—Messrs. Bayard, Condit, Dana, German, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Reed, and Worthington.

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YAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Giles, Pope, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, and Varnum.

On motion, by Mr. LLOYD, to amend the original bill, by inserting, after the word "that," in the third line, the words "from and after the — day of — next;" it was determined in the negative—yeas 13, nays 19, as follows:

YEAS—Messrs. Bayard, Dana, German, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Pope, and Smith of Maryland.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Giles, Howell, Reed, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On the question, Shall this bill pass to a third reading as amended? it was determined in the affirmative—yeas 19, nays 13, as follows:

YEAS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Giles, Gregg, Leib, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, and Varnum.

NAYS—Messrs. Bayard, Dana, German, Gilman, Goodrich, Horsey, Howell, Hunter, Lambert, Lloyd, Pope, Reed, and Worthington.

On motion that the Senate adjourn, it was determined in the affirmative—yeas 18, nays 14, as follows:

YEAS—Messrs. Bayard, Condit, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Pope, Reed, Smith of Maryland, Smith of New York, and Worthington.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Howell, Robinson, Tait, Taylor, Turner, and Varnum.

So the Senate adjourned to eleven o'clock to-morrow morning.

TUESDAY, June 16.

DECLARATION OF WAR.

The amendments to the bill from the House of Representatives, entitled "An act declaring war between Great Britain and her dependencies, and the United States and their territories," were reported by the committee correctly engrossed.

Mr. BAYARD moved to postpone the further consideration of the bill to the thirty-first day of October next.

Mr. BAYARD said, that he was entirely sensible of the inutility, in general, of entering upon the discussion of a subject which had been a long time under consideration, and upon which it might be supposed that the opinions of members were formed and settled; but on an occasion so momentous as the present, he should not feel himself justified in submitting even a motion of postponement, without offering his reasons in support of it. Nor could he think, that in giving a silent vote, he had discharged the duty of his station. Gentlemen would remark, that he had confined his motion to time, in order that members might not be compromised in supporting it who might think the war itself just and necessary.

The motion did not oppose or deny the sufficiency of the causes, or the policy of the war. It went only to affirm what he trusted the course of his observations would render very evident, that this was not a time at which war ought to be declared.

He indulged a confidence, that upon so great an occasion the Senate would not be impelled to act by any little passions, nor by any considerations which did not arise out of an extended and distinct view of the interests of the country. It is not enough that we we have cause of war; we must see that we are prepared, and in a condition to make war. You do not go to war for the benefit of your enemy, but your own advantage; not to give proofs of a vain and heedless courage, but to assert your rights and redress your wrongs. If you commence hostilities before you are prepared to strike a blow, and while your cities, your territory, and your property on the ocean, are exposed to the mercy of a Government possessing vast resources of war, what can you expect but to add new distresses, defeat, and disgrace to the wrongs of which you complain? It is a strange motive for war—a wish to gratify the rapacity, to swell the triumphs, and to increase the insolence of the enemy.

Mr. B. said, that neither the Government, nor the people had expected, or were prepared for war. Even at this moment, the general opinion abroad was, that there would be no war, the mercantile and trading world had continued to act upon that opinion. Nor could people be persuaded that an unarmed nation was about to attack a nation armed cap-a-pie. No man had laid out his account for this war, and every one would be taken by surprise and unprepared for its shock.

You have, at this moment, an immense property abroad, a great portion of it in England, and part floating on the ocean and hastening to your ports. The postponement proposed might save a great portion of this property, and bring home the seamen now absent from the country. Gentlemen would remember the number of ships which left our ports on the eve of an embargo. These vessels had not had time to perform their voyages, and the greater part of them were still abroad. He knew that some members had no commiseration for the merchant who had dared to escape the embargo, and who had disregarded the salutary precautions, designed, as it was said, for his security. But he did not think it surprising, nor culpable, that those whose property consisted in ships, should be averse to seeing them rotting at the wharves, and even disposed to incur risks to find employment for them abroad.

Even, however, if it should be thought that the merchants had acted with indiscretion and folly, it is the part of a parental Government, such as this ought always to be, not to punish the citizens for their misfortunes, but to guard them against the effects of their errors. Besides, a loss of individual property was a loss to the State, as the public strength was derived from individual resources.

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He stated that the question of war had been doubtful till the present moment. He did not believe that the President himself expected war at the opening of the session, nor for a long time after. A menacing language was held out; but the hopes of an accommodation were far from being abandoned. Much was expected from the Prince Regent's accession to his full powers. A change of Ministry was not doubted, and it was thought that in the change of men, there would have been found such a change of principles and measures, that the differences between the two Governments might be compromised and settled. This expectation was protracted till it became plainly evident that the Prince did not intend to change his father's Ministers, nor to depart from their principles or measures. When this discovery was made, the Administration had proceeded too far to recede.

Desperate as the course was which now alone remained to be pursued, they supposed they were obliged to advance or become the object of reproach and scorn both to friends and foes. This necessity they had brought upon themselves, but it was too late to consider whether the condition might have been avoided; they were pledged in this state of events to attempt to extort from Great Britain by force the concession of those points which their arguments had failed in persuading her to yield. He had no doubt but that, some months past, the Cabinet had seriously determined upon resorting to hostilities. But the concurrence of Congress was to be obtained, and whether a majority of both Houses could be brought to take the daring and hazardous step, no man in or out of the Government, without the gift of prophecy, could have predicted.

The public mind had been so repeatedly distracted and deceived by boisterous speeches, and bold but ephemeral resolutions, that it had sunk into a state of apathy, and was no longer excited even by the sound of war echoed in the ministerial paper from the proceedings of Government. When the bill before us was first brought up from the other House, it was the opinion of very few that it would obtain the support of a majority of this body; and, even now, it was likely to pass, not because it was approved by a majority, but of the differences of opinion which existed among gentlemen as to other courses which had been proposed.

If, with the light and information possessed in this body as to the views and designs of the Cabinet and of Congress, it has been doubtful among ourselves whether the Government would resort to war, how was it to be known by our merchants, or any other class of society unacquainted with the intentions and secret proceedings of those exercising the powers of the Government, that the nation would be wantonly plunged into a sudden war?

He had heard it said, that the embargo was a sufficient notice of the design of the Government to resort to hostilities upon its expiration, and that the people must be infatuated, who, after such warning, were not apprized of the approach-

ing crisis. But it is too recently and deeply in our recollection to be forgotten, that this is not the first embargo we have experienced, and which, though of longer duration, we saw pass away without being followed by war.

The language held there, as to people out of doors who have doubted of the war, is retorted by the public voice with equal confidence and on better grounds. They rely upon your integrity and wisdom, and say that Congress cannot be so infatuated, destitute as they are of the means of aggression or defence, to draw upon themselves a war with one of the most powerful and formidable nations on the globe. If a war with Great Britain be thought unavoidable, yet, as she leaves to us the time of commencing it, surely we ought to select that time when the first shock shall be least disastrous, and can best be resisted. Why should we hurry into a war from which nothing but calamity can be expected? There is no danger that the redress of our wrongs, or the assertion of our rights, will be barred by the limitation of time. No time has existed for years past when we had less cause to complain of the conduct of Great Britain. Her vessels of war had all been withdrawn from our coast, as he presumed, in order to avoid collisions and hostility. If the war be suspended till November, the Government and the people will both be better prepared to sustain it. He was not a friend to the restrictive system, but with a choice out of evils, he should prefer the embargo to war. Postpone the war, and we will submit to the embargo till November. This will furnish time for the return of your ships and seamen; and if, at the same time, you will abandon the non-importation act, you will replenish your Treasury with at least twelve millions of dollars, and restore to your citizens sixty millions now abroad, and in danger of being lost. It appeared to him that the course which had been pursued was the most preposterous imaginable. For eighteen months past, we had been sending our property out of the country, and not suffering it to return; and, while contemplating a war with Great Britain, we saw our effects to an immense amount accumulating in that Kingdom, liable, at any moment, to fall a prey to the Government, and to be employed in support of the war against us. He asked, why rush with this precipitancy into the war?—Are you provided with means to annoy the enemy, or to defend yourselves? Have you an army or navy which can make any impression? Are your exposed towns fortified and garrisoned? Was any nation ever less prepared for war? It would require the whole military force that you now possess to constitute an adequate defence for New Orleans, New York, and Newport. It is very well known that the General who will command at New Orleans has declared to the Government, that he will not be answerable for the security of the place with less force than ten thousand men, which is equal to all the effective troops yet raised. It would be natural to suppose that no Government would declare war till it was prepared to attack its enemy. In peace we

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require no defence, and shall we declare war in order to defend ourselves? But what blow are you prepared to strike? Were you able in the Summer to recruit your Army of twenty-five thousand men, could it be employed in any service in the course of this year? A soldier is not made in a day. The authority of a foreign officer, now in this country, of the highest military reputation, he had heard frequently cited, that it required at least fourteen months to form a soldier of a recruit. This remark applied to France, where the officers have generally received a military education, and where there are so many models to imitate, and so many instructors to teach. But here the officer is to form as well as the soldier. The officer has to learn his lesson first, before he can prescribe the task of the soldier. You may possibly have a herd of men, but you can have no army to lead into service this season; and if this herd be led against disciplined troops, you can expect nothing but defeat and disgrace.

But you have not got, nor can you get, the men during the present year. These are not the days of Cadmus. It will require great patience and industry, and a considerable length of time, to collect twenty-five thousand men. Have you the least prospect, if you declare war, of attacking Canada this season? It is impossible that you can do it with effect. You will be sufficiently occupied in defending your frontiers against the savages.

It is not on land then that you expect immediately to assail your enemy. Is it on the ocean that the impression is to be made? You have twenty vessels of war—Britain upwards of a thousand. What will avail the activity or gallantry of your officers and seamen against such disparity of force? Your little Navy must fall immediately, or be driven from the ocean. Some gentlemen indulge great expectations from privateers; but has Great Britain any unarmed or unprotected trade which they can attack? Privateers have no other object than plunder and booty. They avoid armed vessels—and, defended as is the British commerce in every part of the world by her great naval force, it is little to be expected that privateering will be attended with much success or encouragement. But while we are searching for the means of annoying the commerce of Britain, does it become us to overlook at this moment the condition of our own? A valuable part of the trade from beyond the Cape of Good Hope has not yet arrived. Of the numberless vessels which sailed upon the eve of the embargo, few have returned. Your merchant vessels are without convoy and utterly defenceless. Your condition therefore, is, that with more commerce exposed, your adversary will possess greater means of annoyance, and the consequence must be, that we shall lose infinitely more than we can expect to gain.

Under such circumstances, what should hurry us into the war? Are gentlemen afraid if they wait till November the world will not last long enough to afford them time to gratify in war their

mighty resentment against Britain? He believed, as he hoped, that there was no honorable gentleman on the floor who would not live long enough to have a complete surfeit of the war, though it should be postponed for a few months.

He said he was greatly influenced in his motion for postponing, by the combined considerations of the present defenceless condition of the country, and the protection which Providence had given us against a maritime Power in the winter season. During the winter months you will be defended by the elements. Postpone the war till November, and we shall not have to dread an enemy on our coast till April. In the mean time, go on with your recruiting, fill up, discipline, and train an army. Take the stations, if you please, which will enable you to open an early campaign. Your trade will all have time to return before hostilities commence, and having all your ships and seamen at home, you may be prepared to put forth all your strength upon the ocean on the opening of the ensuing Spring. Shall we, by an untimely precipitancy, yielding to a fretful impatience of delay, throw our wealth into the hands of the enemy, and feed that very rapacity which it is our object to subdue or to punish?

We can lose nothing by delay; much will be certainly saved; and at a moment pregnant with great events, it was most evidently our true policy to temporize. You give up no right, yield no pretension, and profit by every day in rendering the condition of the country more secure, and its attitude more formidable. The just appreciation of time is among the highest points of political sagacity. To know what step the times will warrant, and to take the step at the proper time, is generally a matter of more important and difficult consideration than the nature of the proposed measure. Without inquiring whether war was the right course for the nation to take under existing circumstances, he did most confidently assert that this was not the time when war ought to be commenced.

Mr. B. said it belonged to the motion he had submitted to bring under review the alleged causes of war, and to inquire into the probability of our attaining the objects for which we were to embark in the war. If we are to come out of the war, as we enter into it, after having wasted the blood and treasure of the nation, and loaded the country with debt and taxes, it would certainly be more rational to submit at once to the wrongs we endure. If we expect to extort any concession from Britain, we must be prepared for a long, obstinate, and bloody conflict.

Britain at this moment does not court the quarrel. She has reduced the catalogue of our complaints; and though not disposed to surrender her pretensions, she has evidently made advances towards conciliation. The recent Orders in Council were desired to be so considered, and she has removed a great source of umbrage in withdrawing her armed ships from our coasts. She had offered satisfaction for the affair of the Chesapeake, which our Government had accepted—which must therefore be taken to be honorable

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and sufficient, and the offence which had been given completely expiated.

We are no longer at variance in relation to the colonial trade. France no longer has colonies, and we have no occasion to contend at present for any empty rights which could be exercised if yielded.

The question, therefore, as to the right of a neutral to be the carrier of the produce of the colony of a belligerent, having been reduced by the course of the war to a mere question of theory, it no longer entered into the disputes of the two Governments.

The question as to the impressment of our seamen did not present insuperable difficulties. Britain never contended for a right to impress American seamen. The right she claims is to take her own subjects found in our merchant service. She exercises the right in relation to her own private vessels. This right she never will, nor can give up. If our merchant flag were a secure protection to British seamen who sailed under it, the British navy must be unmanned by desertion; while our merchants can, and do pay a dollar for every shilling a sailor can earn in the naval service of his country.

Can it be expected that a nation which depends for its existence upon its naval strength would yield a principle threatening the destruction of its maritime power? No war of any duration, or however disastrous, will ever extort this concession—she may as well fall with arms in her hands, as to seal quietly the bond of her ruin.

He did not know that our Government had ever required the unqualified abandonment of the right to impress. Our complaints were chiefly of the abuses committed in the exercise of the right. It was a practice frequently attended with violence, insult, and gross injustice. Americans were often, from design or mistake, seized as British subjects, and we have abundant evidence of the fact, that many of our native seamen have been forced into British service. He had always understood, however, that such acts were not justified by the British Government. The Government have never claimed the right of holding an American seamen against his will. The pretensions of the two Governments upon this subject, admitted of adjustment. The chief embarrassment rose from the difficulty of distinguishing the sailors of the two countries. But he had no doubt that this, and all other difficulties on the subject, might be vanquished without having recourse to war.

The dispute as to paper blockades was, for the present, merged in the Orders in Council. Those orders were now to be considered as comprehending the whole cause of war.

This subject deserves to be viewed in every light. The Orders in Council were not at this time, in truth, supported upon their original ground.

The ex-Minister, Mr. Canning, had publicly and candidly confessed the fact. They were adopted as measures of retaliation, though they never deserved that character. He has always

considered the Berlin and Milan decrees used as a mere pretext. Those decrees were vain and empty denunciations in relation to England. The plain design of the French Government was to deprive France of the benefits of external commerce, unless the profits of it were divided with herself. This was fully proved by the license trade. Britain carries on the very trade she denies to neutrals, and having engrossed the whole to herself, she excludes neutrals from a participation. No man was more disposed than himself to reprobate the wrong and injustice of the British Government upon this subject. They resort to the French decrees to justify themselves, and though he considered them as no justification, yet our Government in their conduct had admitted that the decrees placed us upon the same footing as to France, as the orders did as to England, and required equal measures to both nations.

Our Government has been pleased to say what he did not think, at this time, any man in the nation believed besides themselves. They have been pleased to say the decrees are repealed.

This is a fact, and asserted without any proof. The decrees could only be repealed by the same power and in the same manner in which they were enacted. They proceeded from the sovereign power of France, and became the law of the Empire. The same power, in the solemn form of a law, could alone revoke them. We possess the decrees in all the forms of law, but have we ever seen, has the Government any reason to believe, that any decree in the form of a law has been passed to repeal them? The promise of a Sovereign to repeal a law does not annul it, nor would a reference of his Minister to its being repealed have that effect. Every Sovereign Power prescribes to itself a form in which its sovereign will shall be known, when it is to constitute a law of the land.

The decrees teach us what this form is in France, and we have no ground to believe that the decrees are repealed, till we see an act of the Sovereign in the same form in which they are found. Such is the course among ourselves. A law is repealed by a law passed in the same form. It is the practice of every nation in Europe, and of every civilized nation on the earth. But even the promise to repeal was only conditional, and it has never been announced to us that the Emperor considered the condition complied with on our part, by prohibiting the importation of British produce and manufactures. In fact, daily accounts are received of seizures made on the principles of those decrees; and to affirm that the decrees are repealed, was only to add perfidy to the atrocity of the conduct of the French, who do not hesitate to plunder, burn, and destroy our property on the high seas, even after abandoning the pretence with which at first they were respectful enough to attempt to cover their violence.

Nothing could be more evident than the policy of the French Emperor, nor anything more mortifying than the success which has attended his juggling. He has contrived to satisfy our Government that he has repealed his decrees, while

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to the eyes of the rest of the world they appear to be in force. By these means he has opened our ports to the public and private ships of France, and shut them against those of Great Britain. He denies the evidence of the repeal of his decrees, which he well knows, if furnished to us, would immediately remove the Orders in Council, and facilitate the settlement of our differences with England. Britain has declared that the moment evidence is produced of the repeal of the decrees, the Orders in Council shall *ipso facto* be annulled. The Emperor, instead of furnishing this evidence, is giving daily proofs, to our sorrow and loss, that the decrees are in force and operation.

I am among the last men in the Senate, said Mr. B., who would justify or defend the Orders in Council. They violate the plainest rights of the nation. The ground of retaliation was never more than a pretext, and their plain object is to deprive France of neutral trade. It never was contended, nor does Britain now contend that she would be justified by the laws or usages of nations, to interdict our commerce with her enemy. She covers her injustice with the cloak of retaliation, and insists that she has a right to retort upon her enemy the evils of his own policy. This is a doctrine to which I am not disposed to agree. It is destruction to neutrals—makes them the prey of the belligerents. It is a doctrine which we must resist, but the time and manner of resistance ought to be determined by a view only to our own interests. Because we are injured, we certainly are not bound to make war before it is for our own benefit. There is one effect of this war which gentlemen ought to take into view, and which, to him, was a source of grief and humiliation. In making war upon England we bring the force of the nation in aid of France. We are about to assist a Government from whom we have suffered for years past the most humiliating insults and the most atrocious wrongs. We are about to make a common cause with a man who hates us for our language and despises us for our Government, and who would to-morrow, if he had the means, without seeking a pretence, add us to the list of his conquered provinces. This connexion should not be hastily formed. To other nations it has been the forerunner of their subjugation and ruin. Let us take time to consider the consequences of a step upon which the destiny of the nation depends. We may profit by delay, but can gain nothing by precipitancy. The war will not hastily remove the Orders in Council. It is the principles of the orders, rather than their effect, of which we complain. The trade to France, which they interdict, is of little consequence to the country. Its annual amount is less than three millions of dollars, and you find it operated with duties so excessive, and restricted to such articles of exchange, that, even if enjoyed in safety, it would be productive of little profit to individuals or to the nation. If, however, you declare war at this time, you lose the trade to Great Britain and her dependencies, equal to thirty-five millions a year,

without gaining the paltry trade with France. The laws of war will operate still more extensively than the Orders in Council; and though no doubt we shall gratify the Emperor of France, we shall enjoy little commerce with his dominions. As it regards, therefore, our interest, it is found in protracting the present state of affairs.

The question on postponement was determined in the negative—yeas 11, nays 21, as follows:

YEAS—Messrs. Bayard, German, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Pope, and Reed.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Giles, Gregg, Howell, Leib, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On motion, by Mr. BAYARD, to postpone the further consideration of the bill to the third day of July next, it was determined in the negative—yeas 9, nays 23, as follows:

YEAS—Messrs. Bayard, Dana, German, Gilman, Goodrich, Horsey, Hunter, Lambert, and Lloyd.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Gregg, Howell, Leib, Pope, Reed, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On motion, by Mr. BAYARD, to postpone the further consideration of the bill to Monday next, it was determined in the negative—yeas 15, nays 17, as follows:

YEAS—Messrs. Bayard, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Reed, and Smith of Maryland.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Pope, Robinson, Smith of New York, Tait, Taylor, Varnum, and Worthington.

On motion, that the Senate adjourn, it was determined in the affirmative—yeas 18, nays 14, as follows:

YEAS—Messrs. Bayard, Condit, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Pope, Reed, Smith of Maryland, and Smith of New York.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

So the Senate adjourned to 11 o'clock to-morrow.

WEDNESDAY, June 17.

The third reading of the bill from the House of Representatives, entitled "An act declaring war between Great Britain and her dependencies, and the United States and their Territories," was resumed.

Whereupon, the following motion was submitted by Mr. GILES:

Resolved, That the bill, entitled "An act declaring war between Great Britain and her dependencies, and the United States and their Territories," be recommitted to the committee to whom was committed the Message of the President of the United States of the first

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instant, with instructions to modify and amend the bill, in such manner as to authorize the President of the United States to instruct the commanders of all ships of war belonging to the United States to recapture any vessel thereof bound to any port or place prohibited to such vessel by the British Orders in Council, dated the — day of —, which may have been previously captured by any British armed vessel; and also to capture any British armed vessel which shall resist such recapture, or be found hovering on the coasts of the United States for the purpose of interrupting their lawful commerce, and to bring the same into any port of the United States for adjudication and condemnation.

And, further, to instruct the commanders of all ships of war belonging to the United States, to recapture any vessel of the United States navigating the ocean conformably to the laws of nations, which may have been previously captured by any French armed vessel; and also to capture any such French armed capturing vessel, and, in like manner, to bring in the same for adjudication and condemnation.

And to authorize the President of the United States to cause letters of marque and general reprisal upon the public and private ships and vessels, goods, and merchandise, belonging to the Crown of the United Kingdom of Great Britain and Ireland, or to the subjects thereof; and also upon the public and private ships and vessels, goods, and merchandise, belonging to the Crown of France, or to the subjects thereof.

And, on the question to agree to this motion, it was determined in the negative—yeas 14, nays 18, as follows:

YEAS—Messrs. Bayard, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Lloyd, Pope, Reed, and Worthington.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Howell, Leib, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, and Varnum.

On motion, by Mr. HORSEY, that the Senate adjourn, it was determined in the negative—yeas 14, nays 18, as follows:

YEAS—Messrs. Bayard, Dana, German, Giles, Gilman, Goodrich, Horsey, Hunter, Lambert, Leib, Lloyd, Pope, Reed, and Smith of Maryland.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Gregg, Howell, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 19, nays 13, as follows:

YEAS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Giles, Gregg, Leib, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, and Varnum.

NAYS—Messrs. Bayard, Dana, German, Gilman, Goodrich, Horsey, Howell, Hunter, Lambert, Lloyd, Reed, and Worthington.

So it was resolved that the bill do pass with amendments.

On motion, the title was amended, to read as follows: "An act declaring war between the United Kingdom of Great Britain and Ireland

and the dependencies thereof, and the United States of America and their Territories."

On motion by Mr. ANDERSON, a committee was appointed, to consist of two members, to carry the said bill to the House of Representatives, and ask their concurrence in the amendments; and Messrs. ANDERSON and VARNUM were appointed the committee.

THURSDAY, June 18.

A message from the House of Representatives, by Messrs. MACON and FINDLEY, two of their members—Mr. MACON, chairman:

Mr. President: The House of Representatives concur in the amendments of the Senate to the bill, entitled "An act declaring war between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their Territories."

Mr. VARNUM, from the committee, reported that they had examined and found duly enrolled the bill last mentioned.

A message from the House of Representatives, by Messrs. CRAWFORD and TURNER, the committee on the part of the House of Representatives for enrolled bills—Mr. CRAWFORD, chairman:

Mr. President: The Speaker of the House of Representatives having signed an enrolled bill, we are directed to bring it to the Senate for the signature of their President.

The PRESIDENT signed the enrolled bill last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States.

Mr. VARNUM reported, from the committee, that they, this day, laid before the President of the United States the enrolled bill last mentioned, and that the President of the United States informed the committee that he had, this day, approved and signed the same.

On motion, by Mr. VARNUM,

Resolved, That the injunction of secrecy, in relation to the confidential Message of the President of the United States of the first instant, and also in relation to the private and confidential proceedings of the Senate since that date, be removed.

[End of the confidential proceedings.]

FRIDAY, June 19.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing the discharge of William Peck from his imprisonment;" and, no amendment having been proposed, the bill was ordered to a third reading.

The bill, entitled "An act authorizing the issuing of Treasury notes," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. CAMPBELL of Tennessee, BAYARD, and SMITH of Maryland, were appointed the committee.

Mr. BAYARD, from the committee to whom was referred the bill supplementary to an act, entitled

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"An act to authorize a detachment from the militia of the United States," reported it with an amendment.

Mr. ANDERSON, from the committee to whom was referred the bill, entitled "An act supplementary to 'An act authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States,'" reported it amended.

The amendments to the bill, entitled "An act to amend the laws within the District of Columbia, having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed, with amendments.

The amendments to the bill, entitled "An act conferring certain powers on the Levy Court for the county of Washington, in the District of Columbia," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed with amendments.

On motion, by Mr. SMITH, of Maryland,

Resolved, That the President of the United States be requested to lay before the Senate such information as he may possess respecting the hostile or friendly movements and intentions of the Indians towards the United States, subsequent to the battle of Tippecanoe.

The bill for the relief of James Wilkinson was resumed, as in Committee of the Whole; and Mr. VARNUM was requested to take the Chair; and, after debate, the Senate adjourned.

SATURDAY, June 20.

On motion by Mr. GREGG, the committee to whom was referred the petition of John Clark, was discharged from the further consideration thereof.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act supplementary to 'An act authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States,'" together with the amendments reported thereto by the select committee; and, after debate, it was agreed that the further consideration thereof be postponed to Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act supplementary to the act, entitled 'An act to authorize a detachment from the militia of the United States,'" passed April 10, 1812, together with the amendments reported thereto by the select committee; and, after debate, on motion, by Mr. TAYLOR, that the further consideration thereof be postponed to the first Monday in October next, it was determined in the negative—yeas 10, nays 19, as follows:

YEAS—Messrs. Anderson, Bayard, Bibb, Crawford, Horsey, Howell, Hunter, Smith of New York, Taylor, and Turner.

NAYS—Messrs. Bradley, Condit, Cutts, Dana, Franklin, Gaillard, German, Gilman, Goodrich, Gregg, Lambert, Leib, Lloyd, Pope, Reed, Smith of Maryland, Tait, Varnum, and Worthington.

And having agreed to the reported amendment with amendments, the President reported the bill to the House accordingly. And, on the question, Shall this bill be read the third time as amended? it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act concerning invalid pensioners;" in which bill they request the concurrence of the Senate.

The bill last brought up for concurrence was read, and passed to the second reading.

The bill, entitled, "An act authorizing the discharge of William Peck from his imprisonment," was read a third time, and passed.

On motion, by Mr. GREGG, the committee to whom was referred, on the 6th of December last, the memorial of the President and Managers of the Union Canal Company of Pennsylvania; also, on the 24th, the memorial of Gouverneur Morris and others, were discharged.

MONDAY, June 22.

Mr. BRADLEY presented five memorials of the citizens of Vermont, deprecating a war with England, and praying the removal of the commercial restrictive system; and the memorials were read.

Mr. GREGG presented fourteen memorials of six hundred citizens of Cumberland county, in the State of Pennsylvania, to the same purpose.

Mr. LAMBERT presented the petition of a large number of citizens of the State of New Jersey, to the same purpose; which was read.

The bill supplementary to the act, entitled "An act to authorize a detachment from the militia of the United States," passed April 10, 1812, having been reported by the committee correctly engrossed, was read a third time, and passed.

Mr. LEIB submitted the following motion:

"That a committee be appointed, to join a committee of the House of Representatives, if the House should think proper to appoint a committee, to examine and report what business is necessary to be done during the present session; at what time the two Houses ought to adjourn; and to what time Congress should stand adjourned."

And the motion was read.

The bill, entitled "An act concerning invalid pensioners," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. ANDERSON, BRADLEY, and FRANKLIN, were appointed the committee.

Mr. GREGG, from the committee to whom was referred the bill, entitled "An act confirming grants to lands in the Mississippi Territory, derived from the British Government of West Florida, not subsequently regranted by the Government of Spain or the United States," reported it without amendment.

Mr. WORTHINGTON, from the managers at the conference on the bill, entitled "An act to ascertain and establish the western boundary of the tract reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia

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line on continental establishment," made report. Whereupon,

Resolved, That the Senate so far recede from their amendments to the bill above mentioned, as that they concur in the amendments as modified by the committee of conference, and agree that the bill be so amended.

The bill for the relief of James Wilkinson was resumed, as in Committee of the Whole, and Mr. VARNUM was requested to take the Chair; and, after debate, it was agreed that the further consideration thereof be postponed until to-morrow.

A message from the House of Representatives informed the Senate that the House recede from their disagreement to the amendments of the Senate to the bill, entitled "An act to ascertain and establish the western boundary of the tract reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia line on continental establishment," and agree to the amendments as modified by the managers at the conference thereon. They have passed a bill, entitled "An act concerning letters of marque, prizes, and prize goods;" also, a bill, entitled "An act giving validity to the sale of certain tracts of public lands, sold in the western district of the Territory of Orleans, now State of Louisiana;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

The bill concerning letters of marque, prizes, and prize goods, was read the second time by consent, and referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. TAYLOR, ANDERSON, VARNUM, CURTIS, and SMITH, of Maryland, were appointed the committee.

Mr. CAMPBELL, of Tennessee, from the committee to whom was referred the bill, entitled "An act authorizing the issuing of Treasury notes," reported it with an amendment.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

I communicate to Congress copies of a letter to the Secretary of State from the Chargé d'Affaires of the United States at London, and of a note to him from the British Secretary for Foreign Affairs.

JAMES MADISON.

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The Message and copies therein mentioned were read.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act confirming claims to lands in the Mississippi Territory, founded on warrants of survey granted by the Spanish Government," together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

TUESDAY, June 23.

The amendments to the bill, entitled "An act confirming claims to lands in the Mississippi Territory, founded on warrants of survey granted by the Spanish Government," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed with amendments.

A message from the House of Representatives informed the Senate that the House agree to the amendments of the Senate to the bill, entitled "An act conferring certain powers on the Levy Court for the county of Washington, in the District of Columbia," with an amendment; in which they request the concurrence of the Senate. They have passed a bill, entitled "An act imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place, and for other purposes," in which bill they request the concurrence of the Senate.

The bill last brought up for concurrence was read, and passed to the second reading.

On motion, by Mr. BAYARD, the bill, entitled "An act concerning the Levy Court of the county of Washington, in the District of Columbia," was postponed to the first Monday in December next.

Mr. GOODRICH, from the committee to whom was referred the bill, entitled "An act for the relief of Anna Young, heiress and representative of Colonel John Durkee, deceased," reported it without amendment.

Mr. TAYLOR, from the committee to whom was referred the bill, entitled "An act making an appropriation for the purpose of discharging all the outstanding claims for the construction and repair of the Capitol and the President's house, for the compensation of the late Surveyor of the Public Buildings, and for furniture for the different apartments of the Capitol, and for other purposes," reported it with amendments.

The Senate resumed the consideration of the resolution submitted yesterday, by Mr. LEIB, for appointing a joint committee to examine and report what business is necessary to be done during the present session; and, having agreed thereto, Messrs. LEIB, LLOYD, BAYARD, CONDIT, and TAYLOR, were appointed the committee on the part of the Senate.

The bill, entitled "An act giving validity to the sale of certain tracts of public lands sold in the western district of the Territory of Orleans, now State of Louisiana," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. TAYLOR, BIRD, and FRANKLIN, were appointed the committee.

Mr. TAYLOR, from the committee to whom was referred the bill, entitled "An act concerning letters of marque, prizes, and prize goods," reported it with amendments; which were read, and considered as in Committee of the Whole; and, having agreed thereto in part, and further amended the bill, the President reported it to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

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WEDNESDAY, June 24.

The amendments to the bill, entitled "An act concerning letters of marque, prizes, and prize goods," were reported by the committee correctly engrossed; and the bill was read the third time as amended, and further amended by unanimous consent.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 22, nays 5, as follows:

YEAS—Messrs. Anderson, Bibb, Brent, Campbell, of Tennessee, Condit, Crawford, Franklin, Gaillard, Gilman, Gregg, Howell, Leib, Pope, Reed, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Dana, Goodrich, Hunter, Lambert, and Lloyd.

So it was resolved that this bill pass with amendments.

Mr. ANDERSON submitted the following motion for consideration:

"Whereas the United States of America, notwithstanding the pacific disposition which has been so distinguishingly evinced by them towards all the nations of the world, have, nevertheless, been compelled to resort to arms for the maintenance and protection of those rights which have been achieved by the blood of their fathers; and, although they have a just confidence in the strength of their Government, and in the vigor of their own arm, yet, being taught by Holy Writ, to which they bow with all due reverence and submission, "that the race is not to the swift, nor the battle to the strong, but of the Lord who willeth and doeth;" And it being at all times our indispensable duty devoutly to acknowledge the superintending providence of Almighty God, especially in times of impending danger and public calamity, to reverence and adore His immutable justice, as well as to implore His merciful interposition for the prosperity of the nation: Therefore,

"Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That a joint committee of both Houses wait on the President of the United States, and request that he will recommend to the people of the United States a day of public humiliation and prayer, to be observed by supplicating Almighty God for the safety and welfare of these States, and for the success of their arms."

And the motion was read, and passed to the second reading.

A message from the House of Representatives informed the Senate that the House concur in the resolutions passed by the Senate, for the appointment of a joint committee to examine and report what business is necessary to be done during the present session, and have appointed a committee on their part. The House of Representatives recede from their disagreement to the amendments of the Senate to the bill, entitled "An act for the more perfect organization of the Army of the United States," and concur therein.

The bill, entitled "An act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place, and for other purposes," was read the second time, and referred to a select committee, to consider

and report thereon; and Messrs. SMITH, of Maryland, CAMPBELL, of Tennessee, and LLOYD, were appointed the committee.

The Senate proceeded to consider the amendment of the House of Representatives to the amendments of the Senate to the bill, entitled "An act conferring certain powers on the Levy Court for the county of Washington, in the District of Columbia, and concurred therein.

Mr. TAIT, from the committee to whom was referred the bill, entitled "An act giving validity to the sale of certain tracts of public lands in the western district of the Territory of Orleans, now State of Louisiana," reported it without amendment.

Mr. REED, from the committee to whom was recommitted the bill authorizing the President of the United States to lease, for a term of years, any part of the reservations of public ground in the City of Washington, reported it with an amendment.

The bill for the relief of James Wilkinson was resumed, as in Committee of the Whole, and Mr. VARNUM was requested to take the Chair; and the bill having been amended, the President resumed the Chair, and Mr. VARNUM reported the bill with an amendment, which was considered in Senate, and agreed to.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

Mr. SMITH, of Maryland, gave notice that tomorrow he should ask leave to bring in a bill supplementary to the act fixing the Military Peace Establishment of the United States.

The bill, entitled "An act to authorize the issuing of Treasury notes," was resumed as in Committee of the Whole; and, after debate, and the consideration of confidential and Executive business, the Senate adjourned.

THURSDAY, June 25.

The bill for the relief of James Wilkinson having been reported by the committee correctly engrossed, was read a third time, and passed.

The PRESIDENT communicated a letter from the Commissioner of the General Land Office, enclosing a report of the Land Commissioners at St. Louis, relative to the lead mines, in obedience to a provision contained in the sixth section of an act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans and the district of Louisiana; and the letter and report were read.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing the issuing of Treasury notes," together with the amendment reported by the select committee; and, having agreed thereto, the President reported the bill to the House accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative—yeas 19, nays 5, as follows:

YEAS—Messrs. Anderson, Bradley, Brent, Campbell

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of Tennessee, Crawford, Franklin, Gaillard, Giles, Gregg, Howell, Lambert, Leib, Reed, Smith of Maryland, Tait, Taylor, Turner, Varnum, and Worthington.

NAVS—Messrs. German, Gilman, Goodrich, Horsey, and Lloyd.

The motion made yesterday, respecting a day of public humiliation and prayer, was read the second time; and on the question, Shall it be engrossed and read a third time? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act supplementary to an act authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States," and disagreed to the amendment reported by the select committee; and, on motion, the bill was amended; and the President reported the amendments to the House, and it was agreed to amend the bill accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

Mr. SMITH, of Maryland, asked and obtained leave to bring in a bill supplementary to the act fixing the Military Peace Establishment of the United States;" and the bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the bill authorizing the President of the United States to lease, for a term of years, any part of the reservations of public ground in the City of Washington, together with the amendment reported thereto by the select committee; and Mr. VARNUM was requested to take the Chair; and the amendment having been agreed to, the President resumed the Chair, and Mr. VARNUM reported the bill with an amendment, which was considered in the Senate and agreed to. And on the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

FRIDAY, June 26.

The joint resolution requesting the President of the United States to recommend a day of public humiliation and prayer, having been reported by the committee correctly engrossed, was read a third time; and on motion, by Mr. GERMAN, it was recommitted to a select committee, to consider and report thereon; and Messrs. GOODRICH, ANDERSON, and BRADLEY, were appointed the committee.

The amendment to the bill, entitled "An act authorizing the issuing of Treasury notes," was reported by the committee correctly engrossed, and the bill was read a third time as amended.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 23, nays 8, as follows:

YEAS—Messrs. Anderson, Bibb, Bradley, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Giles, Gregg, Howell, Lambert, Leib, Reed, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAVS—Messrs. Bayard, Dana, German, Gilman, Goodrich, Hunter, Lloyd, and Pope.

So it was resolved that this bill pass with an amendment.

The amendments to the bill, entitled "An act supplementary to 'An act authorizing the President of the United States to raise certain companies of rangers for the protection of the frontiers of the United States,'" were reported by the committee correctly engrossed, and the bill was read the third time as amended, and the blanks filled.

Resolved, That this bill pass with amendments.

The bill authorizing the President of the United States to lease, for a term of years, any part of the reservations of public ground in the City of Washington, was reported by the committee correctly engrossed, and read a third time and the blank filled.

Resolved, That this bill pass, and that the title thereof be "An act authorizing the President of the United States to lease, for a term of years, any part of the reservations of public ground in the City of Washington."

Mr. BAYARD presented the memorial of the citizens of the town of Newcastle, in the State of Delaware, and its vicinity, praying Congress to direct measures for their defence, in their peculiarly exposed situation.—Referred to the Secretary for the Department of War, to consider and report thereon.

Mr. BRADLEY presented the petition of sundry citizens of the State of Vermont, deprecating the horrors of war, and praying the removal of the restrictive system and embargo; and the petition was read.

Mr. SMITH, of Maryland, from the committee to whom was referred the bill, entitled "An act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place, and for other purposes," reported the bill with amendments; and it was agreed that the consideration thereof be made the order of the day for Monday next.

The PRESIDENT communicated a letter from the Commissioner of the General Land Office, enclosing a report of the Commissioners for the district of Vincennes, made in pursuance of "An act providing for the sale of certain lands in the Indiana Territory, and for other purposes;" and the letter and report were read.

The bill supplementary to the act fixing the Military Peace Establishment of the United States was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. SMITH of Maryland, FRANKLIN, and BRADLEY, were appointed the committee.

SATURDAY, June 27.

The PRESIDENT communicated the petition of the Mayor, Aldermen, and inhabitants of New Orleans, praying the extension of a certain street in that city through the property of the United States, upon certain conditions; and the petition was read.

Mr. SMITH, of Maryland, from the committee to whom was referred the bill supplementary to the act fixing the Military Peace Establishment

of the United States, reported it with amendments, which were considered as in Committee of the Whole, and agreed to; and the President reported the bill to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House do not concur in the amendments of the Senate to the bill, entitled "An act supplementary to 'An act authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States.'"

The Senate proceeded to consider the amendments to the bill, disagreed to by the House of Representatives.

On motion, by Mr. ANDERSON, that they recede from their amendments to the said bill, it was determined in the negative—yeas 8, nays 18, as follows:

YEAS—Messrs. Anderson, Bayard, Campbell of Tennessee, Pope, Robinson, Taylor, Varnum, and Worthington.

NAYS—Messrs. Bradley, Condit, Crawford, Cutts, Franklin, Gaillard, German, Giles, Gilman, Goodrich, Gregg, Hunter, Lambert, Leib, Lloyd, Smith of Maryland, Smith of New York, and Tait.

On motion, by Mr. FRANKLIN, it was resolved that the Senate adhere to their amendments to the said bill.

Mr. LEIB submitted the following motion for consideration:

Resolved, That the Secretary of the Senate be directed to pay to Henry B. Joy, Henry Miller, and Tobias Simpson, fifty dollars each, as an additional compensation for their services during the present session.

Mr. GREGG presented fifteen memorials of a large number of citizens of Cumberland county, in the State of Pennsylvania, deprecating a war with England, and praying the removal of the commercial restrictive system.

Mr. ANDERSON, from the committee to whom was referred the resolution respecting a day of public humiliation and prayer, reported it amended; and it was considered as in Committee of the Whole, and agreed to.

On the question, Shall it be engrossed and read a third time as amended? it was determined in the affirmative.

Mr. A., also, from the committee to whom was referred the bill, entitled "An act concerning invalid pensioners," reported it with amendments.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act making an appropriation for the purpose of discharging all the outstanding claims for the construction and repair of the Capitol and the President's house; for the compensation of the late Surveyor of the Public Buildings; and for furniture for the different apartments of the Capitol, and for other purposes," together with amendments reported thereto by the select committee; and Mr. GREGG was requested to take the Chair; and, having agreed to the report, the PRESIDENT resumed the Chair, and Mr. GREGG reported the bill with amend-

ments, and it was agreed that the bill be amended accordingly.

On the question, Shall this bill be engrossed, and read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act giving validity to the sale of certain tracts of public lands in the Western district of the Territory of Orleans, now State of Louisiana;" and no amendment having been proposed, the bill was passed to the third reading.

The bill, entitled "An act for the relief of Anna Young, heiress and representative of Col. John Durkee, deceased," was resumed, as in Committee of the Whole; and no amendment having been proposed, it was ordered to a third reading.

Mr. DANA made a report from the committee on the bill, entitled "An act to incorporate the Trustees of Washington College;" whereupon, the further consideration of the bill was postponed to the first Monday in December next.

On motion, by Mr. GREGG, the bill, entitled "An act for the relief of Colonel Jonathan Williams," was postponed to the first Monday in December next.

MONDAY, June 29.

The resolution authorizing the Secretary of the Senate to pay Henry Miller and others fifty dollars each, was read the second time.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the President of the United States to lease, for a term of years, any part of the reservations of ground in the City of Washington, with an amendment; in which they request the concurrence of the Senate.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for imposing additional duties on all goods, wares, and merchandise, imported from any foreign port or place, and for other purposes," together with the amendments reported thereto by the select committee; and Mr. GAILLARD was requested to take the Chair.

On the question to agree to the following amendment:

"*Sec. 2. And be it further enacted*, That the first and second sections of the act, entitled "An act repealing the act laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers," passed the third day of March, 1807, be and the same are hereby repealed."

It was determined in the negative—yeas 13, nays 17, as follows:

YEAS—Messrs. Bayard, Bradley, Condit, Cutts, German, Giles, Gilman, Lambert, Leib, Lloyd, Pope, Reed, and Smith of Maryland.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Crawford, Dana, Franklin, Gaillard, Goodrich, Howell, Hunter, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

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On the question, to agree to the following amendment: strike out "one hundred," section 1, line 3, it was determined in the negative—yeas 13, nays 19, as follows:

YEAS—Messrs. Bayard, Dana, German, Giles, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Pope, Reed, and Smith, of Maryland.

NAYS—Messrs. Anderson, Bibb, Bradley, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Howell, Leib, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On the question to agree to the amendment proposed, to strike out the words "passing of this act," section 1, line 7, it was determined in the negative—yeas 15, nays 17, as follows:

YEAS—Messrs. Bayard, Brent, Dana, German, Giles, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Pope, Reed, Smith of Maryland, and Smith of New York.

NAYS—Messrs. Anderson, Bibb, Bradley, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Howell, Leib, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

And, having disagreed to the report of the select committee, the PRESIDENT resumed the Chair, and Mr. GAILLARD reported the bill to the House without amendment.

On the question, Shall this bill be read a third time? it was determined in the affirmative—yeas 22, nays 10, as follows:

YEAS—Messrs. Anderson, Bibb, Bradley, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Howell, Lambert, Leib, Pope, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bayard, Dana, German, Giles, Gilman, Goodrich, Horsey, Hunter, Lloyd, and Reed.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act to compensate for his services the President *pro tempore* of the Senate, acting as such when the office of Vice President of the United States shall be vacant;" also, the bill, entitled "An act to facilitate the transfer of stock created under an act passed on the 10th of November, 1803;" in which bills they request the concurrence of the Senate.

TUESDAY, June 30.

The PRESIDENT communicated a letter, signed William Duane, with a treatise on military tactics; and the letter was read.

On motion, by Mr. SMITH, of Maryland, the President was requested to acknowledge the receipt of the "Hand Book for Infantry," from William Duane.

Mr. LLOYD presented the memorial of the inhabitants of the town of Salem, in the State of Massachusetts, deprecating a war with Great Britain, and representing it peculiarly calamitous to them, in the exposed situation of their commerce; and the memorial was read.

The PRESIDENT communicated a report of the Secretary for the Department of War, on the me-

morial of the citizens of Newcastle, in the State of Delaware, and its vicinity, referred to him on the 26th instant; and the report was read.

The PRESIDENT also communicated a statement of the proceedings of the citizens of New York, signed Henry Rutgers, chairman, approving the measures of Government at this eventful crisis; which was read.

Mr. TAIT presented a copy of the resolution entered into by citizens of Milledgeville and its vicinity, in the State of Georgia, expressing their confidence in the National Councils, and their determination to support the measures of Government; which was read.

The bill, entitled "An act to facilitate the transfer of stock, created under an act passed the 10th of November, 1803," was read three times by unanimous consent, and passed.

The bill, entitled "An act to compensate for his services the President *pro tempore* of the Senate, acting as such when the office of Vice President of the United States shall be vacant," was read, and passed to the second reading.

The bill supplementary to the act fixing the Military Peace Establishment of the United States, having been reported by the committee correctly engrossed, was read a third time and amended by unanimous consent.

Resolved, That this bill pass, and that the title thereof be "An act respecting the pay of the Army of the United States."

The bill, entitled "An act giving validity to the sale of certain tracts of public land in the Western district of the Territory of Orleans, now State of Louisiana," was read a third time, and passed.

The bill, entitled "An act for the relief of Anna Young, heiress and representative of Colonel John Durkee, deceased," was read the third time, and passed.

The resolution requesting the President of the United States to recommend a day of public humiliation and prayer, having been reported by the committee correctly engrossed, was read the third time.

On the question, Shall this resolution pass? it was determined in the affirmative—yeas 20, nays 4, as follows:

YEAS—Messrs. Anderson, Bayard, Brent, Condit, Crawford, Cutts, Gaillard, German, Giles, Goodrich, Horsey, Howell, Lambert, Lloyd, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bibb, Franklin, Gilman, and Smith of New York.

So the resolution passed as follows:

"It being a duty peculiarly incumbent in a time of public calamity and war, humbly and devoutly to acknowledge our dependence on Almighty God, and to implore his aid and protection: Therefore,

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That a joint committee of both Houses of Congress wait on the President of the United States, and request that he recommend a day of public humiliation and prayer, to be observed by the people of the United States, with religious solemnity and the offering of fervent supplications to Almighty God for the safety

and welfare of these States, his blessing on their arms and the speedy restoration of peace."

Ordered, That Messrs. ANDERSON and GOODRICH be the committee on the part of the Senate.

A message from the House of Representatives informed the Senate that the House recede from their disagreement to the amendments of the Senate to the bill, entitled, "An act supplementary to 'An act authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States.'" They have passed a bill, entitled "An act supplementary to an act, entitled 'An act giving further time to purchasers of public lands northwest of the river Ohio to complete their payments,'" in which bill they request the concurrence of the Senate.

The bill last brought up for concurrence was read, and passed to the second reading.

The bill, entitled "An act for imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place, and for other purposes," was read the third time.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 20, nays 9, as follows:

YEAS—Messrs. Anderson, Bibb, Bradley, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Howell, Lambert, Leib, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bayard, Dana, German, Giles, Gilman, Goodrich, Horsey, Hunter, and Lloyd.

So it was resolved that this bill pass.

The bill, entitled "An act confirming grants to lands in the Mississippi Territory, derived from the British Government of West Florida, not subsequently regranted by the Government of Spain or of the United States," was considered, as in Committee of the Whole; and no amendment having been proposed, it was ordered to a third reading.

The amendments to the bill, entitled "An act making an appropriation for the purpose of discharging all the outstanding claims for the construction and repair of the Capitol and the President's house, for the compensation of the late Surveyor of the Public Buildings, and for furniture for the different apartments of the Capitol, and for other purposes," having been reported by the committee correctly engrossed, the bill was read a third time as amended.

Resolved, That this bill pass with amendments.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act concerning invalid pensioners," together with the amendments reported thereto by the select committee, and Mr. VARNUM was requested to take the Chair, and the amendments having been agreed to, the President resumed the chair, and Mr. VARNUM reported the bill with amendments, which were considered in the Senate and agreed to.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The Senate took into consideration the amend-

ment of the House of Representatives to the bill authorizing the President of the United States to lease, for a term of years, any part of the reservations of public ground in the City of Washington; and, resolved that they do not concur therein.

The Senate resumed the resolution to authorize the Secretary of the Senate to pay Henry B. Joy and others fifty dollars each, as an additional compensation for their services during the present session.

On the question, Shall this resolution be engrossed and read a third time? it was determined in the affirmative.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

With a view the better to adapt to the public service the volunteer force contemplated by the act passed on the sixth day of February, I recommend to the consideration of Congress the expediency of making the requisite provision for the officers thereof being commissioned by the authority of the United States.

Considering the distribution of the military forces of the United States required by the circumstances of our country, I recommend also to the consideration of Congress the expediency of providing for the appointment of an additional number of general officers, and of deputies in the adjutant's, quartermaster's, inspector's, and paymaster's departments of the army, and for the employment, in cases of emergency, of additional engineers.

JAMES MADISON.

JUNE 30, 1812.

The Message was read; and, referred to a select committee, to consider and report thereon; and Messrs. SMITH of Maryland, ANDERSON, and GILES, were appointed the committee.

WEDNESDAY, July 1.

A message from the House of Representatives informed the Senate that the House recede from their amendment to the bill, entitled "An act authorizing the President of the United States to lease, for a term of years, any part of the reservations of public ground in the City of Washington." They disagree to the first amendment of the Senate to the bill, entitled "An act making an appropriation for the purpose of discharging all the outstanding claims for the construction and repair of the Capitol and President's house; for the compensation of the late Surveyor of the Public Buildings; and for furniture for the different apartments of the Capitol, and other purposes," and agree to the other amendment with an amendment.

The Senate proceeded to consider the amendment to the bill making appropriations respecting the Capitol, mentioned as disagreed to by the House of Representatives in the last message: Whereupon,

Resolved, That they recede from their first amendment, and agree to the amendment of the House of Representatives to the other amendment to the said bill.

The amendments to the bill, entitled "An act concerning invalid pensioners," having been reported by the committee correctly engrossed, the

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bill was read a third time as amended, and passed with amendments.

Mr. LEIB, from the joint committee appointed on the part of the Senate on the subject, reported a resolution authorizing the President of the Senate and Speaker of the House of Representatives to adjourn their respective Houses on the 6th day of July instant. The resolution was read, and passed to the second reading.

Mr. LEIB also asked and obtained leave to report a bill fixing the time for the next meeting of Congress; and the bill was read, and passed to the second reading.

The bill, entitled "An act giving further time to purchasers of public lands northwest of the river Ohio to complete their payments," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. WORTHINGTON, FRANKLIN, and BRADLEY, were appointed the committee.

The bill, entitled "An act to compensate for his services the President, *pro tempore*, of the Senate, acting as such when the office of Vice President of the United States shall be vacant," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. SMITH, of New York, BAYARD, and SMITH, of Maryland, were appointed the committee.

On motion, by Mr. SMITH, of Maryland, the committee to whom was referred, on the 20th of November last, the memorial of the representatives of the religious society of Friends, of the yearly meeting held in Baltimore, were discharged from the further consideration thereof.

The resolution submitted on the 27th of June was read a third time and passed, as follows:

Resolved, That the Secretary of the Senate be directed to pay to Henry B. Joy, Henry Miller, and Tobias Simpson, fifty dollars each, as an additional compensation for their services during the present session.

The bill, entitled "An act concerning grants of lands in the Mississippi Territory, derived from the British Government of West Florida, not subsequently regranted by the British Government, of Spain, or of the United States," was read a third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act fixing the time for the next meeting of Congress;" also, a joint resolution authorizing the President of the Senate and Speaker of the House of Representatives to adjourn their respective Houses on Monday, the 6th day of July instant.

The bill and resolution last mentioned were read, and passed to the second reading.

THURSDAY, July 2.

Mr. WORTHINGTON, from the committee to whom was referred the bill, entitled "An act giving further time to purchasers of public lands northwest of the river Ohio, to complete their payments," reported it without amendment.

The bill from the House of Representatives entitled "An act fixing the time of the next meeting of Congress," was read the second time.

The joint resolution from the House of Representatives, authorizing the President of the Senate and Speaker of the House of Representatives to adjourn their respective Houses, was read the second time.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act supplementary to the acts heretofore passed on the subject of a uniform rule of naturalization;" a bill, entitled "An act supplementary to the act, entitled 'An act respecting alien enemies,'" also, a bill, entitled "An act making a further appropriation for the defence of the maritime frontier, and for the support of the Navy of the United States;" in which bills they request the concurrence of the Senate.

The three bills last mentioned were read, and passed to the second reading.

Mr. SMITH, of Maryland, from the committee to whom was referred, on the 30th of June, the Message of the President of the United States of that date, reported a bill supplementary to the act, entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps;" and the bill was read, and passed to the second reading.

FRIDAY, July 3.

The bill supplementary to the act, entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps," was read the second time.

The bill, entitled "An act supplementary to the act, entitled 'An act respecting alien enemies,'" was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. BIBB, BRADLEY, and BAYARD, were appointed the committee.

The bill, entitled "An act making a further appropriation for the defence of the maritime frontier, and for the support of the Navy of the United States," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. FRANKLIN, LLOYD, and SMITH, of Maryland, were appointed the committee.

Mr. BRADLEY presented the memorial of the inhabitants of the town of Waterford, in the State of Vermont, deprecating a war with England, and praying the removal of the commercial restrictive system.

The bill, entitled "An act supplementary to the acts heretofore passed on the subject of a uniform rule of naturalization," was read the second time.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to prohibit American vessels from proceeding to, or trading with, the enemies of the United States, and for other purposes;" and a bill, entitled "An act making additional appropriations for the Military Establish-

ment and for the Indian department for the year 1812," in which bills they request the concurrence of the Senate.

The two bills last brought up for concurrence were read, and passed to the second reading.

The joint resolution which originated in the House of Representatives, authorizing the President of the Senate and Speaker of the House of Representatives to adjourn their respective Houses on Monday the 6th of July, was resumed, as in Committee of the Whole, and ordered to a third reading.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act supplementary to the act, entitled 'An act giving further time to purchasers of public lands northwest of the river Ohio to complete their payments,'" and Mr. VARNUM was requested to take the Chair; and, after debate, the PRESIDENT resumed the Chair; and Mr. VARNUM reported the bill without amendment.

On motion, by Mr. GERMAN, that the further consideration thereof be postponed until the first Monday in November next, it was determined in the negative; and the bill was ordered to a third reading.

The bill which originated in the House of Representatives, entitled "An act fixing the time for the next meeting of Congress," was resumed, as in Committee of the Whole; and ordered to a third reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps;" also, a bill, entitled "An act for the relief of George Lyon;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

The joint resolution which originated in the House of Representatives, authorizing the President of the Senate and Speaker of the House of Representatives to adjourn their respective Houses on the 6th day of July, instant, was read a third time, and concurred in.

Mr. SMITH, of New York, from the committee to whom was referred the bill, entitled "An act to compensate for his services the President *pro tempore* of the Senate, acting as such when the office of Vice President of the United States shall be vacant," reported it with an amendment.

The bill from the House of Representatives, entitled "An act supplementary to the act, entitled 'An act authorizing the President of the United States to accept and organize certain volunteer military corps,'" was read the second time by unanimous consent, and referred to the committee appointed the 30th of June, on the Message of the President of the United States of that date, to consider and report thereon.

Mr. FRANKLIN, from the committee to whom was referred the bill, entitled "An act making a further appropriation for the defence of the maritime frontier, and for the support of the Navy

of the United States," reported it without amendment; and the bill was resumed as in Committee of the Whole; and Mr. GAILLARD was requested to take the Chair; and, no amendment having been proposed, the President resumed the Chair; and Mr. GAILLARD reported the bill without amendment, and it was ordered to a third reading.

On motion, by Mr. SMITH, of Maryland, the bill last mentioned was read a third time by unanimous consent, and passed.

SATURDAY, July 4.

The bill, entitled "An act to prohibit American vessels from proceeding to, or trading with, the enemies of the United States, and for other purposes," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. TAYLOR, FRANKLIN, and VARNUM, were appointed the committee.

Mr. SMITH, of Maryland, submitted the following motion for consideration:

Resolved, That, at the commencement of every session, in the absence of the Vice President, or when the office of Vice President shall be vacant, by death, resignation, or otherwise, the Senate shall elect a President *pro tempore*.

The bill, entitled "An act for the relief of George Lyon," was read the second time, and on motion, by Mr. LEIB, the further consideration thereof was postponed to the first Monday in December next.

Mr. SMITH, of Maryland, from the committee to whom was referred the bill, entitled "An act supplementary to the act, entitled 'An act authorizing the President of the United States to accept and organize certain volunteer military corps,'" reported it with an amendment; which was considered as in Committee of the Whole; and Mr. ANDERSON was requested to take the Chair; and the PRESIDENT having resumed the Chair, Mr. ANDERSON reported the bill amended, and it was agreed to in the Senate; and the bill was amended accordingly, and ordered to the third reading as amended.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to compensate for his services the President *pro tempore* of the Senate, acting as such when the office of Vice President of the United States shall be vacant;" and Mr. VARNUM was requested to take the Chair; and the President having resumed the Chair, Mr. VARNUM reported the bill with an amendment.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The amendment to the bill last mentioned, having been reported by the committee correctly engrossed, the bill was read the third time as amended by unanimous consent, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the Secretary of the Treasury to suspend the payment of certain bills drawn by John Armstrong, late Minister of the United States at the Court of France, upon

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the Treasury of the United States;" a bill, entitled "An act supplementary to the 'Act authorizing a loan for a sum not exceeding eleven millions of dollars;" and a bill, entitled "An act authorizing a subscription for the old six per cent. and deferred stocks, and providing for an exchange of the same;" in which bills they request the concurrence of the Senate. They have passed the bill from the Senate, entitled "An act respecting the pay of the Army of the United States," with an amendment, in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to the bill last mentioned, and concurred therein.

The three bills last brought up for concurrence were severally read by unanimous consent; and it was agreed, by unanimous consent, that the bill, entitled "An act authorizing a subscription for the old six per cent. and deferred stocks, and providing for an exchange of the same," be referred to a select committee, to consider and report thereon; and Messrs. TAYLOR, CAMPBELL of Tennessee, and SMITH of Maryland, were appointed the committee.

On motion, by Mr. CAMPBELL, of Tennessee, *Resolved*, That the President of the United States be requested to lay before the Senate a copy of such discussions and correspondence relative to British impressments of seamen from American vessels, as may not have been heretofore communicated.

On motion, the bill, entitled "An act supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization," was referred to the committee to whom was referred the bill, entitled "An act supplementary to the act, entitled 'An act respecting alien enemies,'" to consider and report thereon.

The bill from the House of Representatives, entitled "An act fixing the time for the next meeting of Congress," was read a third time, and passed.

The bill, entitled "An act supplementary to the 'Act giving further time to purchasers of public lands northwest of the river Ohio to complete their payments,'" was read a third time and passed.

Mr. BIBB, from the committee to whom was referred the bill, entitled "An act supplementary to the act, entitled 'An act respecting alien enemies,'" reported it with an amendment, which was considered as in Committee of the Whole, and Mr. ANDERSON was requested to take the Chair; and the report having been agreed to, the President resumed the Chair, and Mr. ANDERSON reported the bill with an amendment; and it was agreed that the bill be amended accordingly.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The amendment to the bill last mentioned having been reported by the committee correctly engrossed, the bill was read the third time as amended by unanimous consent, and passed with an amendment.

Mr. BIBB, from the same committee, reported

the bill, entitled "An act supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization," without amendment; and the bill was resumed as in Committee of the Whole, and Mr. LEIB was requested to take the Chair; and, no amendment having been proposed, the President resumed the Chair, and Mr. LEIB reported the bill without amendment, and it was ordered to the third reading.

On motion, the bill was, by unanimous consent, read a third time, and passed.

The bill, entitled "An act making additional appropriations for the Military Establishment and for the Indian department, for the year 1812," was read the second time, and resumed as in Committee of the Whole; and Mr. SMITH, of Maryland, was requested to take the Chair; and, no amendment having been proposed, the President resumed the Chair, and Mr. SMITH, of Maryland, reported the bill without amendment, and it was ordered to a third reading.

On motion, the bill was read a third time by unanimous consent, and passed.

The bill, entitled "An act authorizing the Secretary of the Treasury to suspend the payment of certain bills drawn by John Armstrong, late Minister of the United States at the Court of France, upon the Treasury of the United States," was read the second time by unanimous consent.

The bill, entitled "An act supplementary to the act authorizing a loan for a sum not exceeding eleven millions of dollars," was read the second time by unanimous consent.

SUNDAY, July 5.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the safe-keeping and accommodation of prisoners of war;" and a bill, entitled "An act making further provision for the Army of the United States, and for other purposes;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were twice read by unanimous consent.

The amendment to the bill, entitled "An act supplementary to the act, entitled 'An act authorizing the President of the United States to accept and organize certain volunteer military corps,'" having been reported by the committee correctly engrossed, the bill was read a third time as amended.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 14, nays 6, as follows:

YEAS—Messrs. Anderson, Bibb, Brent, Condit, Crawford, Franklin, Gaillard, Giles, Howell, Robinson, Smith of New York, Tait, Taylor, and Varnum.

NAYS—Messrs. Bayard, Gilman, Goodrich, Leib, Lloyd, and Smith of Maryland.

So it was resolved, that this bill pass with an amendment.

On motion, by Mr. SMITH, of Maryland; the bill, entitled "An act making further provision for the Army of the United States, and for other

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purposes," was referred to a select committee to consider and report thereon; and Messrs. SMITH, of Maryland, ANDERSON, and TAYLOR, were appointed the committee.

Mr. SMITH, of Maryland, from the committee last mentioned, reported the bill without amendment.

The motion made yesterday, by Mr. SMITH, of Maryland, on the mode of electing the President *pro tempore* of the Senate, was resumed; and, on motion, by Mr. TAYLOR, the further consideration thereof was postponed to the first Monday in November next.

Mr. TAYLOR, from the committee to whom was referred the bill, entitled "An act authorizing a subscription for the old six per cent. and deferred stocks, and providing for an exchange for the same," reported it without amendment.

Mr. TAYLOR, from the committee to whom was referred the bill, entitled "An act to prohibit American vessels from proceeding to, or trading with, the enemies of the United States, and for other purposes," reported it with amendments, which were considered as in Committee of the Whole; and Mr. ANDERSON was requested to take the Chair, and the amendments were in part agreed to; and the President having resumed the Chair, on motion the Senate adjourned.

MONDAY, July 6.

On motion, by Mr. GOODRICH, the committee to whom were referred the memorial of Howard, Fitch, and Lloyd, of New York, and of Boardman and Pope, of Boston, were discharged from the further consideration thereof.

On motion, by Mr. LLOYD, the committee to whom was referred the petition of Jonathan Grout, were discharged from the further consideration thereof, and it was referred to the Secretary for the Department of War, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to prohibit American vessels from proceeding to, or trading with, the enemies of the United States, and for other purposes;" and Mr. ANDERSON was requested to take the Chair.

On motion, by Mr. LLOYD, to strike out, from section three, lines one and two, the words "and the armed forces of the same;" it was determined in the affirmative—yeas 17, nays 1, as follows:

YEAS—Messrs. Anderson, Condit, Crawford, Cutts, Franklin, Gaillard, Gilman, Goodrich, Horsey, Howell, Leib, Lloyd, Pope, Smith of Maryland, Smith of New York, Tait, and Taylor.

NAYS—Mr. Varnum.

And the bill having been further amended, the President resumed the Chair, and Mr. ANDERSON reported the bill with amendments, which were considered in Senate and agreed to.

The amendments to the bill last mentioned having been reported by the committee correctly engrossed, the bill was read a third time by unanimous consent, and passed with amendments.

The Senate resumed, as in Committee of the

Whole, the bill, entitled "An act supplementary to the 'Act authorizing a loan for a sum not exceeding eleven millions of dollars,'" and Mr. VARNUM was requested to take the Chair; and no amendment having been proposed, the President resumed the Chair, and Mr. VARNUM reported the bill without amendment; and, on motion, by Mr. SMITH, of Maryland, the bill was amended.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The amendment to the bill last mentioned having been reported by the committee correctly engrossed, the bill was read a third time by unanimous consent; and was further amended by consent, and passed with amendments.

On motion, by Mr. VARNUM, the committee to whom was referred, on the 15th June, the memorial of Charles W. Goldsborough and others, were discharged from the further consideration thereof, and it was postponed to the first Monday in November next.

The bill, entitled "An act authorizing a subscription for the old six per cent., and deferred stocks, and providing for an exchange of the same," was resumed, as in Committee of the Whole; and no amendment having been proposed, it was ordered to a third reading.

On motion, the bill last mentioned was read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act making further provision for the Army of the United States, and for other purposes," and Mr. FRANKLIN was requested to take the Chair; and, on motion, by Mr. SMITH, of Maryland, the bill was amended.

The PRESIDENT resumed the Chair, and Mr. FRANKLIN reported the bill with an amendment.

On the question to agree to the amendment made in Committee of the Whole, to wit: "to strike out the first section," it was determined in the negative—yeas 11, nays 11, as follows:

YEAS—Messrs. Crawford, Giles, Gilman, Goodrich, Horsey, Leib, Lloyd, Pope, Smith of Maryland, Tait, and Taylor.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Cutts, Franklin, Gaillard, Howell, Smith of New York, and Varnum.

And no further amendment having been proposed, the bill was ordered to a third reading.

The bill was then read a third time by unanimous consent, and passed—yeas 12, nays 10, as follows:

YEAS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Cutts, Franklin, Howell, Robinson, Smith of New York, Tait and Varnum.

NAYS—Messrs. Crawford, Giles, Gilman, Goodrich, Horsey, Leib, Lloyd, Pope, Smith of Maryland, and Taylor.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act authorizing the Secretary of the Treasury to suspend the payment of certain bills drawn by John Armstrong, late Minister of the United States at the Court of France, upon the Treasury of the United

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States;" and Mr. ANDERSON was requested to take the Chair; and no amendment having been proposed, the President resumed the Chair, and Mr. ANDERSON reported the bill without amendment, and it was ordered to a third reading.

The bill was then read a third time by unanimous consent, and passed.

On motion, by Mr. TAYLOR, the committee to whom was referred the joint resolution authorizing the President of the United States to cause an accurate census of the inhabitants of the Mississippi Territory to be taken, were discharged from the further consideration thereof, and it was postponed to the first Monday in November next.

On motion, by Mr. TAYLOR, the committee to whom was referred the bill in addition to the act, entitled "An act supplementary to the act, entitled 'An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes, were discharged from the further consideration thereof, and it was postponed to the first Monday in November next.

The President communicated a letter from Colonel Alexander Smyth, transmitting to the Senate the first copy of an edition of "Regulations for the field exercise, manœuvres, and conduct, of the Infantry of the United States;" and the letter was read.

Six o'clock in the Evening.

A message from the House of Representatives informed the Senate that the House have passed a resolution for the appointment of a joint committee to wait on the President of the United States and notify him of the intended recess, and have appointed a committee on their part, in which they request the concurrence of the Senate.

The Senate proceeded to consider the resolution from the House of Representatives for the appointment of a joint committee to wait on the President of the United States, and notify him of the intended recess, and concurred therein, and Messrs. ROBINSON and ANDERSON were appointed a committee on the part of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate copies and extracts of documents in the archives of the Department of State, falling within the purview of their resolution of the fourth instant, on the subject of British impressments from American vessels. The information, though voluminous, might have been enlarged with more time for research and preparation. In some instances it might, at the same time, have been abridged, but for the difficulty of separating the matter extraneous to the immediate object of the resolution.

JAMES MADISON.

JULY 6, 1812.

The Message and documents were read, and ordered to be printed for the use of the Senate.

A message from the House of Representatives informed the Senate, that the House, having finished the business before them, are about to adjourn.

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Mr. ROBINSON, from the committee, reported that they had waited on the President of the United States, who informed them that he had no further communications to make to the two Houses of Congress.

Ordered, That the Secretary inform the House of Representatives that the Senate, having finished the legislative business before them, are about to adjourn.

Agreeably to the joint resolution, the PRESIDENT then adjourned the Senate, to meet on the first Monday in November next.

EXECUTIVE PROCEEDINGS.

SATURDAY, June 20, 1812.

A message from the House of Representatives, by Mr. HARPER and Mr. FISK, two of their members—Mr. HARPER, chairman:

Mr. President: The House of Representatives have passed a "resolution authorizing the President of the United States to issue a proclamation to the inhabitants of the British American Continental Provinces," in which they request the concurrence of the Senate.

The resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That in case it shall be deemed necessary, in order to vindicate the just rights, or to secure the safety of the United States, to invade the provinces of Upper and Lower Canada, Nova Scotia, and New Brunswick, or either of them, the President of the United States be and he hereby is authorized and empowered to issue a proclamation, addressed to the inhabitants of said provinces, assuring them, in the name of the people of these States, that in case the said provinces, or any of them, shall come into the possession of this Government, the inhabitants of such province or provinces shall be secured and protected in the full enjoyment of their lives, liberty, property, and religion, in as full and ample manner as the same are secured to the people of the United States by their constitutions; and that the said proclamation be promulgated and circulated, in the manner which, in the opinion of the President, shall be best calculated to give it general publicity.

Ordered, That the resolution pass to a second reading.

MONDAY, June 22.

The resolution from the House of Representatives, "authorizing the President of the United States to issue a proclamation to the inhabitants of the British American Continental Provinces," was read the second time, and referred to a select committee, to consist of five members, to consider and report thereon.

Ordered, That Messrs. ANDERSON, SMITH, of Maryland, SMITH, of New York, DANA, and VARNUM, be the committee.

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WEDNESDAY, June 24.

The following confidential Message was received from the PRESIDENT OF THE UNITED STATES:
To the Senate of the United States:

I transmit to the Senate a report of the Secretary of War, complying with their resolution of the 19th inst.
 JAMES MADISON.

JUNE 23, 1812.

The Message and report were read.

Mr. ANDERSON, from the committee to whom was referred the resolution from the House of Representatives, authorizing the President of the United States to issue a proclamation to the inhabitants of the British American Continental Provinces, reported it without amendment.

THURSDAY, June 25.

The resolution from the House of Representatives, authorizing the President of the United States to issue a proclamation to the inhabitants of the British American Continental Provinces, was resumed as in Committee of the Whole; and Mr. GAILLARD was requested to take the Chair. And, after debate, the PRESIDENT resumed the Chair, and Mr. GAILLARD reported, that the Senate, as in Committee of the Whole, do not concur in the resolution; and, on the question to agree to the report of the Committee of the Whole, on motion by Mr. BIBB, it was agreed that the question be taken by yeas and nays.

On motion, by Mr. ANDERSON, to recommit the original resolution for the purpose of amendment, it was determined in the negative.

On the question to agree to the report of the Committee of the Whole, it passed in the affirmative—yeas 18, nays 13, as follows:

YEAS—Messrs. Bayard, Bradley, Brent, Condit, Dana, Franklin, Giles, Gilman, Goodrich, Gregg, Hunter, Lambert, Leib, Lloyd, Popo, Reed, Smith of Maryland, and Smith of New York.

NAYS—Messrs. Anderson, Bibb, Campbell of Tennessee, Crawford, Cutts, Gaillard, Howell, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

So it was *Resolved*, That the Senate do not concur in the resolution of the House of Representatives.

FRIDAY, June 26.

On motion, by Mr. SMITH, of Maryland, a committee was appointed, to consist of two members, to notify the House of Representatives that the Senate do not concur in the resolution authorizing the President of the United States to issue a proclamation to the inhabitants of the British American Continental Provinces; and Mr. SMITH of Maryland, and Mr. VARNUM, were appointed the committee.

A message from the House of Representatives by Messrs. MITCHILL and HALL, two of their members:

Mr. President: The House of Representatives have passed a bill, entitled "An act authorizing the President to take possession of a tract of coun-

try lying south of the Mississippi Territory and of the State of Georgia, and for other purposes," in which they request the concurrence of the Senate, and that the bill be considered confidentially.

The bill last brought up for concurrence was read, as follows:

"An Act authorizing the President to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be and he is hereby authorized to occupy and hold, the whole or any part of East Florida, including Amelia Island, and also those parts of West Florida which are not now in possession and under the jurisdiction of the United States.

"*SEC. 2. And be it further enacted,* That, for the purpose of occupying and holding the country aforesaid, and of affording protection to the inhabitants, under the authority of the United States, the President may employ such parts of the military and naval force of the United States as he may deem necessary.

"*SEC. 3. And be it further enacted,* That, for defraying the necessary expenses, one hundred thousand dollars are hereby appropriated, to be paid out of any moneys in the Treasury, not otherwise appropriated, and to be applied to the purposes aforesaid, under the direction of the President.

"*SEC. 3. And be it further enacted,* That, until further provision shall be made by Congress, the President shall be and he hereby is empowered to establish within the country he may acquire by this act, a temporary government, the civil and military authorities of which shall be vested in such person and persons as he may appoint, and be exercised in such manner as he may direct: *Provided,* That he shall take due care for the preservation of social order, and for securing to the inhabitants the enjoyment of their personal rights, their religion, and their property: *And provided, also,* That the section of country herein designated, that is situated to the Eastward of the river Perdido, may be the subject of further negotiation."

Ordered, That it pass to a second reading.

SATURDAY, June 27.

The bill from the House of Representatives, entitled "An act authorizing the President to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes," was read the second time, and referred to a select committee, to consist of five members, to consider and report thereon.

Ordered, That Messrs. TAIT, BRADLEY, GILLES, BAYARD, and BIBB, be the committee.

TUESDAY, June 30.

Mr. TAIT, from the committee to whom was referred the bill from the House of Representatives, entitled "An act authorizing the President to take possession of a tract of country lying south of the Mississippi Territory and of the State

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of Georgia, and for other purposes;" reported the bill without amendment.

WEDNESDAY, July 1.

Mr. SMITH, of Maryland, submitted the following motion for consideration :

That the Secretary of War be directed to lay before the Senate, in confidence, returns of the volunteers who may have offered their services under the act for raising fifty thousand volunteers, particularizing the States in which the volunteers reside.

Mr. GAILLARD was requested to take the Chair ; and the bill from the House of Representatives, entitled 'An act authorizing the President to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes,' was resumed, and considered as in Committee of the Whole ; and the instructions of the President of the United States on the subject, communicated by the committee to whom the said bill was referred, were read ; and a motion for amendment was submitted by Mr. CRAWFORD ; and, after debate, on motion, by Mr. SMITH, of Maryland, the further consideration of the bill was postponed until to-morrow.

THURSDAY, July 2.

Agreeably to the order of the day, the bill, entitled "An act authorizing the President to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes," was resumed, and considered as in Committee of the Whole ; and Mr. GAILLARD was requested to take the Chair.

On motion by Mr. CRAWFORD, he was permitted to amend his motion, made yesterday, as follows:

"And be it further enacted, That if the United States, in the prosecution of the present war against the United Kingdom of Great Britain and Ireland, should obtain possession of the British provinces in North America, or either of them, that the President of the United States be, and he is hereby, authorized and empowered to establish within the same a temporary government ; and the military, civil, and judicial powers thereof, shall be vested in such person and persons, and be exercised in such manner as he may direct, for the protection and maintenance of the inhabitants of such province or provinces, in the full enjoyment of their property, liberty, and religion : Provided, That the principles upon which such temporary government shall be established, shall form no obstacle to the restoration of peace between the two nations."

And, on motion to agree to the amendment, it was determined in the affirmative—yeas 20, nays 10, as follows :

YEAS—Messrs. Anderson, Bibb, Bradley, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Giles, Howell, Leib, Pope, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bayard, German, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Smith of Maryland, and Smith of New York.

On motion, by Mr. TAIT, to amend the bill as follows :

"And be it further enacted, That this act be not printed or published, unless directed by the President of the United States ; any law or usage to the contrary notwithstanding."

On the question to agree to this amendment, it was determined in the affirmative—yeas 23, nays 7, as follows :

YEAS—Messrs. Anderson, Bayard, Bibb, Bradley, Brent, Campbell of Tennessee, Condit, Crawford, Cutts, Franklin, Gaillard, Giles, Howell, Leib, Pope, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. German, Gilman, Goodrich, Horsey, Hunter, Lambert, and Lloyd.

The PRESIDENT resumed the Chair, and Mr. GAILLARD reported the bill, amended.

On the question, Shall this bill pass to a third reading, as amended ? it was determined in the affirmative—yeas 15, nays 13, as follows :

YEAS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Gaillard, Howell, Leib, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bayard, Dana, Franklin, German, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Pope, Smith of Maryland, and Smith of New York.

FRIDAY, July 3.

The amendments to the bill, entitled "An act authorizing the President to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes," were reported by the committee correctly engrossed ; and the bill was read the third time, as amended.

On motion, by Mr. BAYARD, to postpone the further consideration thereof to the first Monday in November next ; it was determined in the negative—yeas 14, nays 16, as follows :

YEAS—Messrs. Bayard, Bradley, Dana, German, Giles, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Pope, Smith of Maryland, and Smith of New York.

YEAS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Franklin, Gaillard, Howell, Leib, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

On the question, Shall this bill pass as amended ? it was determined in the negative—yeas 14, nays 16, as follows :

YEAS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Condit, Crawford, Franklin, Gaillard, Robinson, Tait, Taylor, Turner, Varnum, Worthington.

NAYS—Messrs. Bayard, Bradley, Dana, German, Giles, Gilman, Goodrich, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Pope, Smith of Maryland, and Smith of New York.

So it was *Resolved*, That the Senate do not concur in the said bill.

On motion, a committee was appointed to consist of two members, to notify the House of Representatives accordingly.

Ordered, That Mr. SMITH, of Maryland, and Mr. LEIB, be the committee.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE FIRST SESSION OF THE TWELFTH CONGRESS, BEGUN AT THE CITY OF
WASHINGTON, NOVEMBER 4, 1811.

MONDAY, November 4, 1811.

This being the day appointed by a proclamation of the President of the United States, of the twenty-fourth day of July last, for the meeting of Congress, the following members of the House of Representatives appeared, produced their credentials, and took their seats, to wit :

From New Hampshire—Josiah Bartlett, Samuel Dinsmoor, Obed Hall, John A. Harper, and George Sullivan.

From Massachusetts—Ezekiel Bacon, Abijah Bigelow, Elijah Brigham, William Ely, Isaiah L. Green, Josiah Quincy, William Reed, Ebenezer Seaver, Samuel Taggart, Peleg Tallman, Charles Turner, junior, Laban Wheaton, and Leonard White.

From Rhode Island—Richard Jackson, junior.

From Connecticut—Epaphroditus Champion, John Davenport, junior, Lyman Law, Jonathan O. Moseley, Timothy Pitkin, junior, Lewis B. Sturges, and Benjamin Tallmadge.

From Vermont—Martin Chittenden, James Fisk, Samuel Shaw, and William Strong.

From New York—Daniel Avery, Harmanus Bleecker, Thomas B. Cooke, James Emott, Asa Fitch, Thomas R. Gold, Robert Le Roy Livingston, Arunah Metcalf, Samuel L. Mitchill, Benjamin Pond, Peter B. Porter, Ebenezer Sage, Thomas Sammons, Silas Stow, Uri Tracy, and Pierre Van Cortlandt, junior.

From New Jersey—Adam Boyd, Lewis Condit, Jacob Hufty, James Morgan, and Thomas Newbold.

From Pennsylvania—William Anderson, David Bard, Robert Brown, William Crawford, Roger Davis, William Findley, John M. Hyneman, Joseph Lefever, Aaron Lyle, James Milnor, William Piper, Jonathan Roberts, William Rodman, Adam Seybert, John Smilie, George Smith, and Robert Whitehill.

From Delaware—Henry M. Ridgely.

From Maryland—Stevenson Archer, Joseph Kent, Peter Little, Alexander McKim, Samuel Ringgold, and Robert Wright.

From Virginia—Burwell Bassett, James Breckenridge, William A. Burwell, Matthew Clay, John Dawson, Peterson Goodwyn, Aylett Hawes, John P. Hungerford, Joseph Lewis, junior, William McCoy, Hugh Nelson, Thomas Newton, James Pleasants, junior, John Randolph, John Roane, Daniel Sheffey, John Smith, and Thomas Wilson.

From North Carolina—Willis Alston, William Blackledge, Thomas Blount, William R. King, Nathaniel Macon, Joseph Pearson, Israel Pickens, and Richard Stanford.

From South Carolina—William Butler, Langdon Cheves, Elias Earle, William Lowndes, Thomas Moore, and David R. Williams.

From Georgia—William W. Bibb, Howell Cobb, Bolling Hall, and George M. Troup.

From Kentucky—Henry Clay, Joseph Desha, Richard M. Johnson, Samuel McKee, Anthony New, and Stephen Ormsby.

From Tennessee—Felix Grundy, and John Rhea.

From Ohio—Jeremiah Morrow.

From Mississippi Territory—George Poindexter, Delegate.

From Indiana Territory—Jonathan Jennings, Delegate.

And a quorum, consisting of a majority of the whole number of members, being present, the House proceeded, by ballot, to the choice of a Speaker; and, upon examining the ballots, it appeared that HENRY CLAY, one of the Representatives for the State of Kentucky, was duly elected; Whereupon,

Mr. CLAY was conducted to the Speaker's chair, and the oath to support the Constitution of the United States, as prescribed by the act, entitled "An act to regulate the time and manner of administering certain oaths," was administered to him by Mr. FINDLEY, one of the members for the State of Pennsylvania; after which, he made his acknowledgments to the House, in the following words:

"GENTLEMEN: In coming to the station which you have done me the honor to assign me—an honor for which you will be pleased to accept my thanks—I obey rather your commands than my own inclination. I am sensible of the imperfections which I bring along with me, and a consciousness of these would deter me from attempting a discharge of the duties of the Chair, did I not rely, confidently, upon your generous support.

Should the rare and delicate occasion present itself, when your Speaker shall be called upon to check or control the wanderings or intemperance in debate, your justice will I hope, ascribe to his interposition the motives only of public good and a regard to the dignity

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of the House. And in all instances, be assured, gentlemen, that I shall, with infinite pleasure, afford every facility in my power to the despatch of public business, in the most agreeable manner."

The oath or affirmation to support the Constitution of the United States was then administered, by the SPEAKER, to all the other members present.

GEORGE POINDEXTER, and JONATHAN JENNINGS, having also appeared, and produced their credentials as the delegates from the Mississippi and Indiana Territories of the United States, the oath was administered to them by the Speaker.

The House proceeded, by ballot, to the choice of a Clerk, and, upon examining the ballots, it appeared that PATRICK MAGRUDER was duly elected, and the oath, together with the oath of office, administered by the Speaker to the Clerk.

THOMAS DUNN was then re-elected Segeant-at-Arms, and THOMAS CLAXTON Doorkeeper, without opposition. BENJAMIN BURCH was also chosen Assistant Doorkeeper.

The usual messages were interchanged with the Senate on the subject of their being formed and ready to proceed to business.

Mr. MITCHILL and Mr. PITKIN were appointed a committee on the part of the House, jointly with the committee appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communications he may be pleased to make to them.

Mr. MITCHILL, from the joint committee appointed to wait on the President of the United States, reported that the committee had performed the service assigned to them, and that the President answered, that he would make a communication to Congress to-morrow at twelve o'clock.

TUESDAY, November 5.

Several other members, to wit: ABNER LACOCK, from Pennsylvania; JOHN BAKER, from Virginia; and RICHARD WINN from South Carolina, appeared, produced their credentials, were qualified, and took their seats.

On motion of Mr. NEWTON, the Clerk of the House was directed to procure newspapers from any number of offices that the members may elect, provided, that the expense do not exceed the amount of three daily papers.

A Message was received from the PRESIDENT of the UNITED STATES, by Mr. COLES, his Secretary, who delivered the same and withdrew. [For which see Senate proceedings of this date, *ante* page 11.]

The Message having been read, and the documents accompanying it in part, an adjournment was called for, and carried.

WEDNESDAY, November 6.

Two other members, to wit: MESHACK FRANKLIN, from North Carolina, and JOHN C. CALHOUN, from South Carolina, produced their credentials, were qualified, and took their seats.

The reading of the documents accompanying the Message of the President of the United States was resumed, and being completed, the Message and documents were referred to the Committee of the Whole on the state of the Union, and five thousand copies ordered to be printed for the use of the members.

THURSDAY, November 7.

Another member, to wit: LEMUEL SAWYER, from North Carolina, appeared, produced his credentials, was qualified, and took his seat.

A motion was made by Mr. MITCHILL, that the House do now proceed to the appointment of the several standing committees, pursuant to the rules and orders of the House.

A division of the question on the motion was called for by Mr. BURWELL, so as to take the question separately, on the appointment of the Committee of Elections. And the question on the appointment of the Committee of Elections being taken, was resolved in the affirmative.

Mr. FINDLEY, Mr. MACON, Mr. STURGES, Mr. TROUP, Mr. PLEASANTS, Mr. EMOTT, and Mr. FISK, were then appointed the committee.

On motion of Mr. DAWSON, the residue of the motion was laid on the table.

Mr. BURWELL presented a petition of John Taliaferro, complaining of the undue election and illegal return of JOHN P. HUNGERFORD, to serve as one of the Representatives for the State of Virginia, and praying that investigation of the said election may take place, and that such decision may be had thereon as in the wisdom of the House may appear proper.—Referred to the Committee of Elections.

FRIDAY, November 8.

Another member, to wit: JOHN SEVIER, from Tennessee, appeared, produced his credentials, was qualified, and took his seat.

On motion of Mr. JENNINGS, the memorial of the Legislature of the Indiana Territory, presented the twenty-first of January last, was referred to the Committee on Public Lands.

On motion of Mr. RHEA, the petition of sundry inhabitants of the Territory of Louisiana, presented the 6th of January, 1810, was referred to a select committee.

Mr. RHEA, Mr. LYLE, and Mr. JACKSON, were appointed the committee.

A Message was received from the President of the United States, transmitting two letters to the Department of State, one from the present Plenipotentiary of France, the other from his predecessor, which were not included among the documents accompanying the Message of the fifth instant, the translation of them being not then completed. The Message and documents were read, ordered to lie on the table, and five thousand copies ordered to be printed for the use of the members.

A motion was made by Mr. BACON, that the House do come to the following resolution:

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Resolved, That the Committee of Claims be instructed to inquire into the expediency of repealing or suspending the operation of the several acts of limitation, so far as they now operate to bar the payment of the following description of claims against the United States, to wit: First, loan office certificates. Second, indents for interest on the public debt. Third, final settlement certificates. Fourth, commissioners' certificates. Fifth, army certificates. Sixth, credits given in lieu of army certificates cancelled. Seventh, credits for the pay of the Army for which no certificates were issued. Eighth, invalid pensions. Ninth, lost or destroyed certificates.

The resolution was read, and ordered to lie on the table.

On motion of Mr. DAVENPORT, it was resolved, that two Chaplains, of different denominations, be appointed to Congress for the present session, one by each House, who shall interchange weekly.

Mr. REED presented a petition of William Dean, of Salem, merchant, praying permission to import from Great Britain sundry goods, wares, and merchandise, the property of the petitioner, which had been ordered by him previous to the passage of the non importation act of the second of March last.—Referred to the Committee of Commerce and Manufactures.

STANDING COMMITTEES.

The House proceeded to consider the motion of Mr. MITCHELL, of yesterday, for the appointment of the several standing committees of the House, and agreed thereto; whereupon the following committees were appointed.

Committee of Ways and Means—Mr. BACON, Mr. CHEVES, Mr. SMILIE, Mr. BIBB, Mr. BURLWELL, Mr. JOHNSON, and Mr. PITKIN.

Committee of Commerce and Manufactures—Mr. NEWTON, Mr. LOWNDES, Mr. MITCHELL, Mr. McKIM, Mr. TALLMADGE, Mr. SEYBERT, and Mr. TALLMAN.

Committee of Claims—Mr. BASSETT, Mr. BUTLER, Mr. SHAW, Mr. BROWN, Mr. MOSELEY, Mr. STANFORD, and Mr. ARCHER.

Committee on the Public Lands—Mr. MORROW, Mr. McKEE, Mr. GOLD, Mr. BRECKENRIDGE, Mr. BLACKLEDGE, Mr. BOYD, and Mr. SMITH, of Pennsylvania.

Committee for the District of Columbia—Mr. LEWIS, Mr. RINGGOLD, Mr. PIPER, Mr. PEARSON, Mr. BAKER, Mr. STOW, and Mr. ORMSBY.

Committee on the Post Office and Post Roads—Mr. RHEA, Mr. PORTER, Mr. LYLE, Mr. DINSMOOR, Mr. TAGGART, Mr. POTTER, Mr. LAW, Mr. CHITTENDEN, Mr. HUFTY, Mr. RIDGELY, Mr. KENT, Mr. SHEFFEY, Mr. KING, Mr. EARLE, Mr. HALL, of Georgia, Mr. DESHA, and Mr. MORROW.

Committee of Revision and Unfinished Business—Mr. SEYBERT, Mr. JACKSON, and Mr. ELY.

Committee of Accounts—Mr. TURNER, Mr. BLOUNT, and Mr. LITTLE.

On motion of Mr. DAWSON, a committee was appointed to bring in a bill for the apportionment of Representatives among the several States, according to the third enumeration.

Mr. DAWSON, Mr. WILLIAMS, Mr. GRUNDY

Mr. HALL, of New Hampshire, Mr. QUINCY, Mr. POTTER, Mr. MOSELEY, Mr. STRONG, Mr. PORTER, Mr. CONDIT, Mr. MILNOR, Mr. WRIGHT, Mr. RIDGELY, Mr. ALSTON, Mr. BIBB, Mr. MORROW, and Mr. McKEE, were appointed the committee.

MONDAY, November 11.

Several other members, to wit: WILLIAM WIDGERY, from Massachusetts; GEORGE C. MAXWELL, from New Jersey; and PHILIP B. KEY, and PHILIP STUART, from Maryland; appeared, produced their credentials, were qualified, and took their seats.

Mr. SEYBERT presented a petition of sundry merchants of Philadelphia, praying permission to import, from Great Britain, sundry hardwares, the property of the petitioners which were ordered previous to the passage of the non-importation act of the second of March last.

Mr. MITCHELL presented a petition from sundry merchants in the city of New York, to the same effect with the petition last stated.

Mr. PITKIN presented a petition of Dwight Woolsey and Company, and William W. Woolsey and Company, merchants, of New Haven, in Connecticut, to the same effect with the foregoing.

Mr. QUINCY presented a petition of Samuel R. Miller and Company, merchants, of Boston, also to the same effect with the foregoing.

Ordered, That the said petitions be severally referred to the Committee of Commerce and Manufactures.

On motion of Mr. RHEA, the Committee on Post Offices and Post Roads were instructed to report a bill authorizing the members of the Senate and House of Representatives to frank the President's Message and accompanying documents, transmitted to both Houses of Congress at the opening of the present session, notwithstanding the same may weigh more than two ounces.

The House proceeded to consider the resolution submitted by Mr. BACON, on the eighth instant; and it was concurred in by the House.

On motion of Mr. WIDGERY, a committee was appointed to consider the expediency of altering the term of the District Court of the United States for the District of Maine, from the first to the second Tuesday in September; with leave to report by bill, or otherwise.

Mr. WIDGERY, Mr. HARPER, and Mr. STURGES, were appointed the committee.

Mr. RHEA, from the Committee on Post Offices and Post Roads, presented a bill to authorize the transportation of certain documents, free of postage; which was read twice, amended, and ordered to be engrossed, and read the third time to-day; which was subsequently done, and the bill passed.

TUESDAY, November 12.

REFERENCE OF THE MESSAGE.

Mr. SMILIE, after some appropriate prefatory observations, moved that the House resolve itself into a Committee of the Whole on the state of the

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Union, in order to take into consideration the Message of the President of the United States, at the opening of the session.

The motion being agreed to, the House accordingly went into a Committee of the Whole, when,

Mr. SMILIE submitted to the consideration of the Committee the following resolutions, viz :

1. *Resolved*, That so much of the President's Message as relates to the subject of our foreign relations, be referred to a select committee.

2. That so much as relates to the measures of public defence demanded by the present crisis, be referred to a select committee.

3. That so much as relates to the revenue and the provisions necessary for the service of the ensuing year, be referred to the Committee of Ways and Means.

4. That so much as relates to the evasions and infractions of our commercial laws, be referred to the Committee of Commerce and Manufactures.

5. That so much as relates to foreign trading licenses, and to the protection of manufactures and navigation, be referred to the Committee of Commerce and Manufactures.

6. That so much as relates to the Spanish American Colonies, be referred to a select committee.

The resolutions being read, they were taken up separately, and agreed to, without opposition, except that when the second was under consideration, Mr. DAWSON expressed an opinion that the subjects embraced in that resolution would be better in the hands of two or three committees; but Mr. SMILIE assigning as a reason for committing the entire subject of defence to one committee, that they would have it in their power to take a view of the whole ground, and act accordingly, it was agreed to.

All the resolutions being adopted—

Mr. SMILIE moved that the committee rise and report the resolutions to the House.

Mr. RANDOLPH was opposed to this motion. It would be readily conceived, he said, that it is no easy matter for one who has had an opportunity of seeing the resolutions which form the basis of the proposed report, to take in, as they are read by the Clerk, the whole of their scope and bearing. He believed it had been the common practice to refer the Speech of the President at the opening of the session to a Committee of the whole House on the state of the Union. In the committee, the course had been much the same as that pursued to day. The different subjects on which it treated had been referred either to standing or select committees. But it will be remembered, that we are assembled under circumstances of a peculiar nature. The Chief Magistrate himself has given information to this House to that effect. He hoped that the Message of the Chief Magistrate would not be dissected, taken out of the House, and put into the hands of committees, so as to be placed out of the power of any member of this House to express his sentiments on that instrument. This expression of opinion, said Mr. R., is due to the situation in which we stand. The nation expects it from us. He trusted, therefore, that the subject would not be foreclosed in the way proposed. The House ought, in the first

place, to express its opinion on the Message. He had been waiting until the documents were printed for an opportunity of this kind. He hoped the committee would not rise and report the resolutions, because if you do, the President's Message will be taken out of the House, and it will not be competent for any gentleman to take up any part of it, so that no opinion of the House can be taken thereon. He would move that the committee rise and report progress. By to-morrow, an opportunity would be afforded of comparing the resolutions of the gentleman from Pennsylvania with the Message, and of ascertaining whether they are such as they ought to be; and the subject being still before a Committee of the Whole, every member would have liberty of expressing his opinion fully upon it.

Mr. SMILIE said, the course which he had taken was that which had been invariably pursued heretofore. Whether it was best or not, he could not tell. He did not wish for any delay. He thought it was high time the Message of the President was acted upon. When the several committees made their reports, the gentleman from Virginia will have an opportunity of making such strictures upon the Message as he may judge proper; or, as the subject is now before the Committee, if the gentleman chooses, he may now make them. He hoped the business would not be postponed, but that the question on the Committee's rising and reporting the resolutions would be taken.

Mr. RANDOLPH was not ready for the question. The memory of the worthy gentleman from Pennsylvania, said he, is not very good. It is not to be wondered at. Age brings with it experience and many valuable qualities, but it does not improve the memory. He himself felt the effects of it, and much more may the gentleman from Pennsylvania feel them. Mr. R. did not believe that the course now proposed to be taken with the Message, is the same which has been always pursued. He recollected that when he had first the honor of a seat in that House, the Message of the President was brought in a mass before the House, to be fully and fairly debated. The gentleman must pardon him for contradicting him in a matter of fact. But, said Mr. R., I would ask the gentleman from Pennsylvania, by what magic or other power, he has been able to dive into my bosom to know that I mean to make strictures on the Message of the President? The gentleman goes on to state, that if I have any such observations to make, this is the accepted hour. Why this, any more than any other hour in this week? Why do gentlemen, just when they have got into a Committee on the Message, show such an aguish trepidation to get out of it? Is the Message of so little importance that they will not give it attention? They will not say so. The gentleman from Pennsylvania says that when these committees report, every gentleman will have an opportunity of expressing his opinion on the several parts into which it is dissected. But the gentleman must know, that even in physics, much less in politics, all the parts are not always equal to the whole; that however true it may be

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in mathematics that all the parts are equal to the whole, it is not so in politics. Suppose, said Mr. R., one of these committees reports, and the report comes under consideration—members would be excluded from touching upon the other parts of the Message. If this course be pursued, I give you warning that if some gentleman of this House, who has not signed the thirty-nine articles, shall rise to make his observations, and shall notice any part of the Message not before the House, he will be called to order, and informed that that part of the Message is yet sleeping with a select committee. But the gentleman says, why not now go into the discussion?—when it is known the documents are with the printers, and not within the reach of the Committee. The true course, said Mr. R., is the one which I have suggested—it is a course which will be acceptable to the nation. Why, said he, send out such reams of extra National Intelligencers by mail, but to inform the people? If no discussion is to take place on the Message, through what channel are these committees to receive the opinion of this House? Are they to go to work blindfolded? On Spanish relations, for instance, what member possesses the faculty of looking into the heart, and of saying what is the opinion of this House on that subject? Would it not be better, said he, to come to some resolution which should be directory to these committees? To act otherwise, was putting the cart before the horse. This course would avoid commitments and re-commitments; he hoped it would therefore be taken, by rising and reporting progress.

Mr. FINDLEY said the method now proposed of disposing of the Message was the same which had been acted upon ever since the commencement of the Government. Formerly, it was the practice for the President to make his address to Congress personally, and then an answer was to be returned. This answer brought the subject of the Message before the House incidentally, and much useless debate was generally had upon it. But this custom was laid aside by Mr. Jefferson, and this unnecessary debate prevented. The course which is at present taken has been uniform ever since, and he hoped we should not now depart from it, except the gentleman from Virginia could point out some better.

Mr. QUINCY said, it was not his wish to delay the business before the Committee, but he wished that whatever was done might be done understandingly. He would ask whether the resolutions proposed by the gentleman from Pennsylvania covered the whole object of the Message? He wished to know whether the affair of the Little Belt was referred to any committee. He did not see any mention of Indian hostilities. Heretofore, there had been a committee on Indian affairs. They were never mingled with our foreign relations. He thought with the gentleman from Virginia (Mr. DAWSON) that too many subjects were referred to the committee on public defence. Mr. Q. said it was not his intention to have said anything on this subject; but he wished for such a delay in this procedure as should give

an opportunity of examining the resolutions brought forward. He did not think they embraced all the objects of the Message.

Mr. ALSTON observed, that in case any gentleman had doubts whether certain objects in the Message were embraced by the resolutions, he could readily bring forward amendments to the present resolutions, or introduce new ones so as to attain his object. Mr. A. said it would be recollected, that in some former years the dividing of the Message into too many parts had created some confusion, by making it difficult to determine to which committee certain parts of the Message belonged. In the present division, this confusion he presumed had been avoided. At all events, he thought it perfectly correct that the several subjects in the Message should be first sent to select committees before they were acted upon by the House. This was the usual course, and it appeared to him the best.

Mr. RANDOLPH said he was called upon, by the very respectable and venerable gentleman from Pennsylvania, to point out a better plan than that which is proposed; to show why this course, which had been the practice of the last ten years, ought not to be followed. He would ask the gentleman from Pennsylvania if he had ever known this House in Committee of the Whole on the state of the Union under similar circumstances with the present; or ever known when a member asked for discussion in this Committee that it was refused? What, said he, would have been the surprise of the Committee had he called for the reading of the documents which accompanied the Message? and this he might have done, as he had heard them read but once, and then there was so much noise in the House he heard them imperfectly. This would have necessarily delayed the business, but it was not his wish to embarrass the Committee. The documents are in the hands of the printers; of course the Committee must have risen and reported progress. This proposition, if received with common temper, must appear a reasonable and proper one. He hoped, therefore, it would be agreed to.

The original motion to rise and report the resolutions, was carried, there being seventy-two members in favor of it.

The House took up the resolutions.

Mr. RANDOLPH said that he had been informed, by the Chairman of the Committee of the Whole, that the documents accompanying the Message had not been referred to the Committee of the Whole on the state of the Union. If so, he submitted to the Chair, whether the proceedings which had been had were in order. The House had been in Committee of the Whole on the Message, and left the documents behind them. He did not think this was the kind of treatment to which the Message was entitled. He moved that the report be recommitted to the Committee of the Whole on the state of the Union, together with the documents; and called for the yeas and nays upon the question.

Mr. ALSTON said, the documents were not referred, and for the best reason. They are never

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taken up in Committee of the Whole, but are left in the House, and can always be referred to, and any motion be founded upon them, which could not be done were they before the Committee of the Whole.

Mr. SMILIE said it was perfectly immaterial to him which course was taken. He had no object but the interest of his constituents. If gentlemen believe they are justified in protracting the public business, they will act accordingly. For his part he could not. He wished to take up the business in a regular way, and proceed with it.

The SPEAKER said, the Clerk found, on examining his minutes, that the documents were referred along with the Message.

Mr. RANDOLPH observed, that if the fact is, as the clerk had stated it, it offers an irrefragable argument for recommitting the report, because the House had been in Committee of the Whole without having possession of these papers. If the documents were not referred, we ought to go back for the reasons before offered, but if they were, we ought to go back to get possession of them. In either case, we ought to go back and get right; it would be better to turn back and soberly inquire our way, than to go blindly spurring on in a wrong road.

Mr. R. wished to say one word in reply to a remark of the gentleman from Pennsylvania, which, at the time, he believed to be out of order. He had said, "if gentlemen can justify themselves in protracting the public business, well. He had no other views than the interests of his constituents." An insinuation that other gentlemen have other views, and that other gentlemen can justify themselves for protracting business. Mr. R. made no professions of patriotism in that House. His property was in terra firma, and he was born in the State which he represented, and he loved it the better for it. As to protracting the public business, we all know, said he, how it is protracted; as his friend from North Carolina had said the other day, "the public business will not be done until the roads are good, in the Spring." He hoped, however, that while the gentleman from Pennsylvania is satisfied as to his own motives, he will believe that other gentlemen have as clear consciences as himself.

Mr. WIDGERY hoped that the House would proceed with the public business, without any bickering or personality. He hoped they were met together, like a band of brothers, to consider and act upon such measures as shall best promote the interests of our common country. He thought the course proposed by the gentleman from Pennsylvania would be the best. A discussion would come with more propriety after the several committees had reported. He did not believe, however, that the gentleman from Virginia, in proposing a different course, wished to protract the public business. He no doubt thought the discussion ought to take place in the first instance. It was a mere difference of opinion, from which no evil could arise.

The yeas and nays on the question for a recommitment, were as follows:

YEAS—John Baker, Abijah Bigelow, James Breckenridge, Elijah Brigham, Epaphroditus Champaign, Martin Chittenden, William Ely, James Emott, Asa Fitch, Thomas R. Gold, John P. Hungerford, Richard Jackson, jr., Philip B. Key, William R. King, Lyman Law, Joseph Lewis, jr., Robert Le Roy Livingston, James Milnor, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jr., Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, Philip Stuart, Lewis B. Sturges, George Sullivan, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, and Thomas Wilson—33.

NAYS—Willis Alston, William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, Josiah Bartlett, Burwell Bassett, William W. Bibb, William Blackledge, Thomas Blount, Adam Boyd, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, Thomas B. Cooke, Lewis Condit, William Crawford, John Davenport, jr., Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, Abner Jacob, Joseph Lefever, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jr., Benjamin Pond, Peter B. Porter, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, Daniel Sheffey, John Smilie, George Smith, John Smith, Richard Stanford, Silas Stow, William Strong, Peleg Tallman, Uri Tracy, George M. Troup, Charles Turner, jr., Pierre Van Cortlandt, jr., Robert Whitehill, David R. Williams, William Widgery, Richard Winn, and Robert Wright—92.

The question recurred on agreeing to the report.

Mr. RANDOLPH moved to postpone the further consideration of the report till to-morrow, in order that it might be printed.

Mr. MACON wished some such motion to prevail. He had intended to move that it lie on the table till to-morrow. [Mr. RANDOLPH withdrew his motion to give place to Mr. MACON'S.] Mr. M. said it was perfectly immaterial to him which of the motions was made. His object, he could assure the House, was not delay. He had examined the resolutions offered by the gentleman from Pennsylvania. To the first, he had no objection; but as to the second, it appeared to him that if it were the wish of the gentleman to protract the public business, this resolution would answer his purpose. He did not believe this was intended. But there is more business given to that committee than can be got through in any reasonable time. The old rule of procuring despatch by dividing the labor, was in this case abandoned. In his opinion what relates to the Army ought to go to one committee, and what relates to the Navy to another, and so on. He knew that on a former occasion, some difficulty had arisen from the Mes-

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sage not having been accurately dissected; but with ordinary care this might be avoided. He had no doubt if the business was thus divided, it would be done much sooner. Not that he expected Congress would adjourn any earlier; but the reports would be had in less time, and the sooner be got at. He wished that the report might lie on the table until to-morrow, that the resolutions might be examined, and proper amendments prepared.

Mr. SMILIE repeated his reasons for wishing one committee might have under view the whole subject of defence.

The question was put and negatived, 68 to 47.

Mr. RANDOLPH moved for the reading of the documents; which being objected to, he called for the yeas and nays on the question; which were taken as follows:

YEAS—John Baker, Abijah Bigelow, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Thomas B. Cooke, John Davenport, jr., James Emott, Asa Fitch, Thomas R. Gold, John P. Hungerford, Richard Jackson, jr., William R. King, Lyman Law, Joseph Lewis, jr., Robert Le Roy Livingston, Nathaniel Macon, James Milnor, Jonathan O. Moseley, Hugh Nelson, Joseph Pearson, James Pleasants jr., Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, Daniel Sheffey, Richard Stanford, Philip Stuart, Lewis B. Sturges, George Sullivan, Benjamin Tallmadge, Laban Wheaton, Leonard White, and Thomas Wilson—35.

NAYS—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, Josiah Bartlett, Burwell Bassett, William W. Bibb, William Blackledge, Thomas Blount, Adam Boyd, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Martin Chittenden, Matthew Clay, Lewis Condit, William Crawford, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Ely, James Fisk, Meshack Franklin, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, Abner Lacock, Joseph Lefever, Peter Little, William Lowndes, Aaron Lyle, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, Benjamin Pond, Peter B. Porter, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, William Strong, Samuel Taggart, Uri Tracy, George M. Troup, Charles, Turner, jr., Pierre Van Cortlandt, Robert Whitehill, David R. Williams, William Widgery, Richard Winn, and Robert Wright—84.

The first resolution was then taken up and agreed to. When the question on the second was put,

Mr. D. R. WILLIAMS rose to ascertain whether it was the sense of the House that all the objects embraced in this resolution should go to one committee, or they should be divided among several. For this purpose, he moved to strike out the general expressions, to insert the words "for filling the ranks, prolonging the enlistment of regular

troops, and of auxiliary force." It would be seen to be his object, to give all that relates to the Army to one committee, all that relates to the Navy to another, &c. He was of opinion, also, that several objects contained in the Message had been overlooked.

The motion for striking out was carried, 72 votes being in favor of it; but when the blank came to be filled, much desultory debate took place. Some members wished to insert other words than those proposed by the gentleman from South Carolina; but this was deemed out of order. At length, it was agreed that the blank must be filled with the words proposed, but that other words might afterwards be added by way of amendment. This was accordingly done.

After the blank was filled as above proposed, Mr. BURN moved to add the following words; "for the acceptance of volunteer corps, for detachments of portions of the militia, and for such a proportion of the great body, as will proportion its usefulness to its intrinsic capacities." Which was agreed to.

The other resolutions reported were agreed to without debate.

Mr. DAWSON moved an additional resolution, as follows: "That so much of the Message as relates to the naval force of the United States, and the maritime defence of our frontier, be referred to a select committee."—Agreed to.

Mr. BACON moved the following additional resolutions: "That so much of the Message as relates to the manufacturing of cannon and small arms and providing munitions of war, be referred to a select committee;" and "that so much of the Message as relates to Indian affairs, be referred to a select committee."—Agreed to.

All the select committees which were thought necessary, being appointed, it was determined that the first, on Foreign Relations, should consist of nine members; the committees on the Spanish colonies and Navy concerns, to consist of seven members; and those on manufacturing cannon and Indian affairs, to consist of five members.

The resolutions, as amended, are in the following words:

1. *Resolved*, That so much of the President's Message as relates to the subject of our foreign relations, be referred to a select committee.

2. *Resolved*, That so much of the President's Message as relates to filling the ranks and prolonging the enlistments of the regular troops, and to an auxiliary force; to the acceptance of volunteer corps; to detachments of militia, and to such a preparation of the great body as will proportion its usefulness to its intrinsic capacity, be referred to a select committee.

3. *Resolved*, That those parts of the Message of the President which relate to the Naval force of the United States, and to the defence of our maritime frontier, be referred to a select committee.

4. *Resolved*, That so much of the President's Message as relates to the revenue and the provisions necessary for the service of the ensuing year, be referred to the Committee of Ways and Means.

5. *Resolved*, That so much of the President's

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Message as relates to the evasion and infraction of our commercial laws, be referred to the Committee of Commerce and Manufactures.

6. *Resolved*, That so much of the President's Message as relates to foreign trading licenses, and to the protection of manufactures and navigation, be referred to the Committee of Commerce and Manufactures.

7. *Resolved*, That so much of the President's Message as relates to the Spanish American colonies, be referred to a select committee.

8. *Resolved*, That so much of the said Message as relates to the manufacture of cannon and small arms, and the providing munitions of war, be referred to a select committee.

9. *Resolved*, That so much of the said Message as relates to Indian affairs, be referred to a select committee.

Mr. Porter, Mr. Calhoun, Mr. Grundy, Mr. Smilie, Mr. Randolph, Mr. Harper, Mr. Key, Mr. Desha, and Mr. Seaver, were appointed the committee on the first resolution.

Mr. Williams, Mr. Wright, Mr. Macon, Mr. Nelson, Mr. Stow, Mr. Maxwell, and Mr. Tallmadge, were appointed the committee on the second resolution.

Mr. Cheves, Mr. Newton, Mr. Milnor, Mr. Quincy, Mr. Cooke, Mr. McKim, and Mr. Fisk were appointed the committee on the third resolution.

Mr. Mitchell, Mr. Bibb, Mr. Blackledge, Mr. Taggart, Mr. Champion, Mr. Butler, and Mr. Shaw, were appointed the committee on the seventh resolution.

Mr. Seybert, Mr. Little, Mr. Goodwyn, Mr. Tracy, and Mr. Sturges, were appointed the committee on the eighth resolution.

Mr. McKee, Mr. Sevier, Mr. Morrow, Mr. Sheffey, and Mr. Brown, were appointed the committee on the ninth resolution.

And then, on motion the House adjourned until to-morrow.

WEDNESDAY, November 13.

Another member, to wit: THOMAS GHOLSON, from Virginia, appeared, produced his credentials, was qualified, and took his seat.

Mr. QUINCY presented two petitions from sundry merchants of Boston, to the same effect with the petition of William Dean, presented the eighth instant—Referred to the Committee of Commerce and Manufactures.

Mr. NEWTON, from the Committee of Commerce and Manufactures, presented a bill for the relief of Thomas and John Clifford, of Philadelphia, and Charles Wirgman, of Baltimore; which was read twice and committed to a Committee of the Whole on Monday next.

Mr. MCKIM presented a petition of sundry merchants of Baltimore, to the same effect with the petition of the merchants of Boston above stated.—Referred to the Committee of Commerce and Manufactures.

On motion of Mr. BARTLETT, the report of the

Secretary of War, the Secretary and Comptroller of the Treasury, on the claims of sundry refugees from the British provinces of Canada and Nova Scotia, made in the years 1805 and 1806, was referred to the Committee on the Public Lands, to report by bill, or otherwise.

Mr. POINDEXTER presented a petition of sundry inhabitants of the Mississippi Territory, praying that the said Territory may be made into a separate State and admitted into the Union.—Referred to a select committee.

Mr. POINDEXTER, Mr. GRUNDY, Mr. ORMSBY, Mr. LACOCK, Mr. WILSON, Mr. WIDGERY, and Mr. CHITTENDEN, were appointed the committee.

On motion of Mr. POINDEXTER, the petition of the Legislature of the Mississippi Territory, presented the twenty-first of January last, was referred to the said select committee.

Mr. QUINCY presented a petition of Andrew Eliot, merchant of Boston, to the same effect with the petition of William Dean, presented the eighth instant.—Referred to the Committee of Commerce and Manufactures.

On motion of Mr. GOLD, a committee was appointed to inquire into the expediency of providing by law for the more convenient taking of recognisances of bail and affidavits in cases depending in the respective Courts of the United States; with leave to report by bill.—Mr. GOLD, Mr. MILNOR, and Mr. RINGELY, were appointed the committee.

On motion of Mr. MORROW, the Committee on the Public Lands were instructed to inquire into the expediency of suspending the operation of so much of the sixth section of the act, entitled "An act providing for the final adjustment of claims to lands, and for the sale of the public lands in the Territories of Orleans and Louisiana," as directs that the land offices established in the Orleans Territory shall be opened on the first day of January, 1812; with leave to report by bill, or otherwise.

Mr. TALLMADGE, from the committee appointed on the petition of Abraham Whipple, presented a bill for the relief of Abraham Whipple; which was read and committed to a Committee of the Whole on Friday next.

On motion of Mr. BASSETT, the petitions of J. A. Chevallie, attorney of Amelie Eugenie Beaumarchais, presented twenty-fourth of December, 1805, and second of April 1806, together with all the documents concerning the said claim, were referred to the Committee of Claims.

Mr. BLEECKER presented a petition of George Dummer and Company, and Gurdon and Daniel Buck, merchants, of New York, to the same effect with the petition of William Dean, presented the eighth instant.—Referred to the Committee of Commerce and Manufactures.

Mr. LYLE presented petitions of sundry inhabitants of the Western parts of the United States, praying that the mails of the United States may not be carried, and that post offices may not be opened, on Sundays.—Referred to the Committee on Post Offices and Post Roads.

On motion of Mr. CONDIT, the Committee of

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Commerce and Manufactures were instructed to inquire into the expediency of encouraging the manufacture of iron, either by protecting impost duties, or prohibiting the importation of castings, bar iron, spikes, nails, brads, and rolled sheet or hoop iron, into the United States and its Territories; with leave to report by bill.

A Message was received from the President of the United States, communicating copies of a correspondence between the Envoy Extraordinary and Minister Plenipotentiary of Great Britain, and the Secretary of State, relative to the aggression committed by a British ship of war on the United States' frigate Chesapeake, by which it will be seen that that subject of difference between the two countries is terminated, by an offer of reparation, which has been acceded to.

The House proceeded, by ballot, to the election of a Chaplain to Congress, on their part; and upon examining the ballots, it appeared that the Reverend Mr. SNEATHEN was duly elected.

Another Message was received from the President of the United States, transmitting the result of the census, lately taken, of the inhabitants of the United States, with a letter from the Secretary of State relative thereto.—Referred to the committee appointed to fix the apportionment of Representatives.

EXPENDITURE OF MONEYS.

Mr. RANDOLPH said, the House having made a disposition of the Message of the President of the United States, he felt himself called upon to submit a motion to the consideration of the House. But as the House was then thin, he would only lay it on the table. It would have been submitted, he said, two years ago, but for the circumstances which he should state to the House when more at leisure. The motion was as follows:

Resolved, That a committee be appointed to inquire and report whether moneys drawn from the Treasury since the 3d of March, 1801, have been faithfully expended on the objects for which they were appropriated, and whether the same have been regularly accounted for?"

PROSECUTIONS FOR LIBEL.

The SPEAKER presented a memorial of Matthew Lyon, of Kentucky, stating that, whilst a member of the House of Representatives of the United States, from the State of Vermont, he was illegally tried and found guilty, under a charge of sedition, and fined the sum of one thousand dollars and imprisoned twelve months, and praying that the said fine may be repaid, with interest, together with his pay as a member of Congress, which was withheld during his confinement.

The petition being read,

Mr. NEW moved that it be referred, with the accompanying documents, to the Committee of Claims.

Mr. BASSETT was opposed to this reference. If the petitioner had any claim upon the United States, it must be on the ground that the law under which he was convicted was unconstitutional. A claim of this kind could not be recognised by that committee. He thought, therefore,

it would be more proper to refer this petition to a select committee. This was desirable also from the consideration that the Committee of Claims is generally overburdened with business.

Mr. McKEE could not distinctly hear the gentleman from Virginia; but he understood him as recommending a reference of this petition to a select committee, in preference to the Committee of Claims. He had no objection to such a disposition of it, though it appeared to him, as a claim, to be a proper subject for the Committee of Claims. The petitioner does not ask for a gratuity from the Government, but a repayment of money which he states to have been improperly paid into the coffers of the United States in the form of a fine. Whether the claim be well founded, or otherwise, remains for the committee to decide.

Mr. NEW said, it having been represented to him, that it would be most proper to refer the petition to a select committee, he would so change his motion.

Mr. RANDOLPH had no doubt it would be collected, that at the first session of Congress, under the Administration of the present President, the session which met in May, 1809, a committee was raised "to inquire whether any, and what prosecutions had been instituted before the courts of the United States for libels at common law, and to report such provisions as in their opinion may be necessary for securing the freedom of speech and of the press." Congress adjourned after a short session in June. The chairman of that committee was directed to address letters to the clerks of the several courts in which such prosecutions had been commenced. To some of these letters answers were received after the adjournment. These answers received in the recess (all except one, which the chairman had found amongst his private papers since the meeting of the present session) were transmitted to the Clerk of this House, in whose possession it is presumed they now are. The chairman of that committee, at the two succeeding sessions, was, by the visitation of God, and from circumstances without his control, for the first time since he had the honor of a seat on this floor, prevented from attending to his duty till the sessions had considerably advanced, otherwise he would have felt it obligatory on him to have called the attention of Congress to this subject. It was his intention, at the present session, without knowing anything of this petition, to have called the attention of the House to it, amongst others, at an early day. He thought it behooved this House, as the guardian of the public purse and public weal, to take care that the stream of public justice be preserved pure and free from pollution; and whether persons have suffered by prosecutions under the sedition law, or under the common law of England—not the common law of the States, as modified by the laws of the United States in their corporate capacity—he was for affording them relief. He wished to see if any of our citizens had received injury from prosecutions of this kind; and, if they

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had, to redress the wrong by such a prospective measure as may prevent a recurrence of similar mischief.

It seems idle, said Mr. R., for any man to undertake, by statute, to do that which the Great Charter of our Confederation has endeavored to do in vain. It is, it appears, impossible to prevent men, heated by party, and seeking only the gratification of their own passions, from trampling in the dust the charter which we have sworn to support; for though our Constitution has said, in the broadest terms which our language knows, that the freedom of speech and of the press shall not be abridged, men have been found so lost to all sense of their country's good, as to pass the act, commonly called the sedition act, and to send out our judges to dispense, not law, but politics from the bench. It would seem idle to attempt to prevent, by statutory provisions, similar abuses. But though, formed as we are, we cannot attain perfection, we ought, in imitation of a divine example, to aspire to it, and endeavor to preserve in purity the great Magna Charta of our country.

This subject, Mr. R. said, might appear frivolous to others. He knew that men intent on worldly things, with their snouts grovelling in the mud, who hold everything but sordid pelf, and still more disgraceful office, as dross and dust, would not think it worth while to attend to things of this kind. Nor did he wish to set himself up for a political Pharisee, and thank God that he was not as other men are.

Mr. R. moved to amend the reference, by adding to it the following:

"With instructions to inquire whether any, and what, prosecutions have been instituted before the courts of the United States for libels, under the sedition law or the common law, and by what authority; and to make such provisions as they may deem necessary for securing the freedom of speech and of the press."

Mr. R. hoped this amendment would be agreed to; for, said he, it is evident that when we came into power, when we succeeded to our predecessors, proper measures were not taken for purifying the violent temper of the day—for preventing the recurrence of prosecutions of this kind. He recollected having heard, at the close of the administration of the second President of the United States, one of the most beautiful pieces of declamation, from a gentleman from South Carolina, which he had ever heard, in which he conjured the House to re-enact the sedition act, because, said he, we are about to surrender the Government into the hands of men in whom we have no confidence, and I wish to retain this law as our shelter, because, by this, if we are prosecuted for a libel, we can give the truth in evidence. Mr. R. said he listened to the gentleman, but he thought he was talking for talking's sake. He did not believe that himself believed a word of what he said. Mr. R. did not suppose that a prosecution at common law, for a libel, could take place under a Republican Administration. He thought the gentleman was making the best

apology he could for the sedition law, and that he was glad to find himself in a minority on his motion for continuing it. But, said he, experience teacheth. I find it possible even for the Pharisees themselves sometimes to slide, sometimes to fall. He thought it due to our country, and to ourselves, that whatever abuses exist without stopping to inquire whether the sufferer be a Catholic or a Protestant, a Federalist, a Democrat, or a Monarchy man, to redress the wrong. What would be said in a court of justice in a case of murder? It would not be thought worth while to inquire what was the offender's politics, or whether honest or the contrary. He considered honest men as of right politics. It unfortunately happens, said he, that some men make up in zeal what they know themselves to be deficient in honor and honesty.

The amendment was agreed to and the petition referred to a committee of seven, consisting of Mr. NEW, Mr. RANDOLPH, Mr. WRIGHT, Mr. TROUP, Mr. WHITEHILL, Mr. MOSELEY, and Mr. COOKE.

THURSDAY, November 14.

Another member, to wit: JOHN CLOPTON, from Virginia, appeared, produced his credentials, was qualified, and took his seat.

Mr. RHEA, from the committee appointed on the eighth instant, presented a bill providing for the government of the Territory of Louisiana; which was read twice and committed to a Committee of the Whole on Monday next.

Mr. WIDGERY, from the committee appointed on the eleventh instant, presented a bill to alter the time of holding one of the terms of the district court of the District of Maine; which was read twice and ordered to be engrossed, and read the third time to-morrow.

On motion of Mr. BASSETT, a committee was appointed to prepare and report such standing rules and orders of proceeding as are proper to be observed in this House.

Mr. BASSETT, Mr. PITKIN, Mr. MACON, Mr. NELSON, Mr. BIBB, Mr. QUINCY, and Mr. FINDLEY, were appointed the said committee.

Mr. RHEA, moved the following resolution:

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of laying additional duties on all coarse manufactures of flax and hemp.

Mr. CONDIT, moved the following resolution:

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of encouraging the culture of hempen goods, either by protecting duties, or prohibiting the importation, into the United States and its Territories, of hemp, or goods manufactured from it; and that they have leave to report by bill.

The resolutions were read, and ordered to lie on the table.

On motion of Mr. JENNINGS, a committee was appointed to inquire into the expediency of authorizing the President of the United States to cause to be opened a road from the Northern line

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established by the Treaty of Greenville, where the United States' road from Vincennes meets the said line, to the North Bend, in the State of Ohio; with leave to report thereon by bill, or otherwise.

Mr. JENNINGS, Mr. NEW, and Mr. MORROW, were appointed the committee.

FRIDAY, November 15.

Mr. PICKENS presented a petition from inhabitants in the western part of North Carolina, complaining of mischief occasioned by the settlement of white persons on the lands of the Cherokee Indians.—Referred to the Secretary of War.

Mr. BASSETT, on account of the state of his health, begged to be excused from serving on the Committee of Claims, declaring that he was unable to attend to the duties imposed upon the Chairman of that important committee. Excused.

Mr. BUTLER also wished to be excused from serving on the same committee. He was also excused.

Mr. D. R. WILLIAMS said, out of courtesy, he had voted in the majority on the questions which had just been decided; but he was apprehensive he had done wrong, and moved for a reconsideration of the question. He hoped the Chairman of the Committee of Claims would consent to retain his situation, and attempt to do the business to which he had been appointed. He was fearful that his relinquishing his post would be attended with bad consequences. No doubt his relinquishment had occasioned his colleague to beg to be excused. He hoped that both gentlemen would consent to retain their situations.

After an explanation from Mr. BASSETT, that he was really unable to endure the necessary fatigue of the business; and from Mr. BUTLER that he had served several years on this committee, and that he expected shortly to be under the necessity of asking leave of absence; the motion for reconsideration was withdrawn.

Mr. QUINCY presented the petition of Aaron Baldwin, praying for the remission of certain forfeitures which he had incurred under the restrictive laws.—Referred.

Mr. MORROW reported a bill extending the time for opening the several land offices in the Territory of Orleans.—Twice read and committed.

A bill was reported to authorize a public road from a point in the north line established by the Treaty of Greenville, where the United States' road from Vincennes meets the said line to the North Bend, in the State of Ohio, which was twice read and committed.

The bill for altering the time of holding one of the terms of the United States' courts in the District of Maine, was read the third time and passed.

INDIAN AFFAIRS.

Mr. RHEA proposed the following resolution for adoption:

"Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of extending the laws of the United States over those parts of

the States and Territories of the United States, to which the Indian title is not extinguished, in such manner as that all white persons residing within any of the said parts of the United States may and shall be liable to the operation of those laws."

Mr. R. added, that if the petitions which had this morning been presented by the gentleman from North Carolina had been read, the necessity of taking some measure similar to the one which he proposed, would have been evident to every member of the House, as the Indian countries are become an asylum for persons guilty of every enormity.

Mr. PICKENS stated, that if any doubt existed as to the propriety of passing this resolution, he would call for the reading of the petitions which he had presented.

Mr. WRIGHT had some doubts whether the laws of the United States did not at present extend to cases of this kind, and wished the resolution to lie on the table until the subject could be looked into.

Mr. BIBB said, a case had lately occurred in the State of Georgia, which showed the necessity of some farther provision on this subject. A murder of a most atrocious kind had been committed within the Indian country; the parties were taken near the spot, and brought before the Federal authority in Georgia; and upon a question of jurisdiction, the judges decided that the court had no authority in the case. In a similar instance, the offenders were brought before the State authorities, which determined in the same way, and the offenders, of course, were in both cases discharged.

Mr. GRUNDY was of opinion that the United States courts had, at present, complete jurisdiction of all criminal cases which might arise within the Indian boundary, the case cited by the gentleman from Georgia notwithstanding; but he supposed the object of this resolution was to supply the defects of the law at present in civil cases.

Mr. POINDEXTER had no doubt but the courts of the United States had jurisdiction of criminal offences, committed within the Indian boundary. Congress, at their first session, made provision for the punishment of offenders charged with murder, piracy, &c., committed on the high seas or without the territory of the United States. But the difficulty suggested by the gentleman from Tennessee existed. Persons who have committed petty offences and debtors go over to the Indian territory, where the law cannot reach them. He doubted whether the resolution was calculated to reach this object, and therefore wished it to lie on the table that it might be amended.

Mr. RHEA hoped he might be permitted to judge for himself whether the resolution which he had offered was calculated to accomplish the object which he had in view. His colleague had intimated that the laws, at present, extend to criminal offences, though the gentleman from Georgia had stated a case in which the judges had determined otherwise. This shows, at least, that the law wants revision, not only with respect to criminal, but civil matters. He had drawn the resolution in the most general terms.

Mr. BIBB could not conceive how the judges of the Federal Court, in the case he had cited, could have decided as they did with the law which had been referred to before them. Perhaps it might have arisen from a clause of the Constitution, which directs that jurors shall be drawn from the district where the offence is committed.

The resolution was laid on the table.

DOMESTIC MANUFACTURES.

Mr. RHEA called up for consideration the resolution which he laid upon the table yesterday proposing an additional duty on coarse hemp and flax.

The resolution was considered, and, on motion, the words "and cotton," were added to it, by consent of the mover.

Mr. GRUNDY observed, that several detached resolutions for the encouragement of domestic manufactures had been offered to the House. He wished the adoption of a proposition which should include all the manufactures of the country. He hoped the present motion might lie on the table for a few days, until such a proposition could be prepared. It is, said he, an object of great magnitude, when we consider the vast sums of money which have lately been vested in establishments of this kind; and the present is a favorable moment for adopting some measures to give our manufactures countenance and support.

Mr. RHEA could not agree to the proposed postponement. He should never obtain his object, if he were to agree to one postponement after another. His colleague could, at any time, submit his proposition, without hindering the progress of the one he had introduced.

After some conversation as to the propriety of discussing this proposition in the House,

The SPEAKER decided, that though there is a rule of the House which says that all propositions for laying a tax shall be discussed in Committee of the Whole; this resolution, in his opinion, did not come within that rule, as it was merely an instruction to a committee to inquire into the expediency of laying an additional tax.

The motion, for laying the proposition on the table, was carried, 51 to 47.

AMERICAN SEAMEN.

Mr. MILNOR rose, and observed there was no topic more important than the protection of American seamen, and yet he believed it would be acknowledged by all who have given consideration to the subject, that our laws on this subject are materially defective. The object of these laws ought to be twofold; in the first place, for the protection of *bona fide* American citizens, and secondly, for the prevention of the abuse of those protections by citizens of other countries not entitled to them. It will be recollected, that the act for relief of American seamen makes it the duty of the collectors to furnish certificates of citizenship in the manner therein directed; but, owing to an error of Congress, no manner is prescribed; and, of course, the collectors have been left to accept of such proof as they deemed sufficient, or to act under the directions of the Secretary of the

Treasury, which, in most instances, is an unsafe way of proceeding. The penal laws of the United States provide no punishment for the crime of perjury in these cases. A recent instance, Mr. M. said, had occurred in the district which he represented. An Italian, not twenty days in the country, appeared before a notary public, claiming the rights of an American seaman. He made the necessary oaths, and produced a sponsor who swore that he was born in Baltimore. The tongue of the man detected the falsehood. The collector, with that attention to his duty for which he is so remarkable, had both seaman and sponsor apprehended. The attorney for the district looked into the case, and found the crime of perjury to be, the falsely taking an oath according to the laws of the United States; but as the law was defective, as above stated, the offence was not perjury. The Attorney General confirmed this opinion. The offenders, therefore, escaped punishment. He believed other amendments might be usefully made to the law on this subject. He concluded by offering the following resolution for adoption, which was agreed to:

"Resolved, That a committee be appointed to inquire and report whether any, and what amendments are necessary to the laws of the United States relating to the protection of American seamen; and that the committee have leave to report by bill or otherwise."

Mr. MILNOR, Mr. LITTLE, Mr. REED, Mr. BASSETT, and Mr. PITKIN, were appointed the committee.

MONDAY, November 18.

On motion of Mr. McKEE, the Committee on the Public Lands were instructed to inquire what provision ought to be made respecting the location of Virginia military land warrants, west of the boundary line designated by the act of the third of March, 1804, with leave to report by bill, or otherwise.

Mr. SEYBERT presented the petition of shot-manufacturers of Philadelphia, praying for protection.

Mr. MITCHILL presented the petition of James Forrest, of New York, merchant, stating that he had debts owing to him in the British West India Islands, to the amount of twenty-five thousand dollars, and praying to be allowed to import produce from them to that amount.—Referred to the Committee of Commerce and Manufactures.

On motion of Mr. LEWIS, the petition presented last session on the subject of a new jail at Alexandria, was referred to the Committee on the District of Columbia.

On motion of Mr. MORROW, it was

Resolved, That the committee appointed on the 11th instant, on so much of the petition of the inhabitants of the State of Ohio, as relates to the opening of a certain road to Vincennes, be instructed to report on the expediency of making provision by law, for laying out two roads, agreeably to the treaty with certain Indian tribes held at Brownstown in 1808.

Mr. RHEA called for the consideration of the

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resolution which he had laid upon the table a few days ago, for instructing the Committee of Commerce and Manufactures to inquire into the expediency of encouraging the manufacture of coarse hemp, flax, and cotton; which being agreed to, some desultory debate took place for and against agreeing to the resolution. It was objected to, because that committee had already the subject of manufactures generally referred to it, and it was unnecessary to give them any special instructions. In support of this resolution, it was said to be a common practice to send instructions to committees; that it had been done, a few days ago, to this committee, in relation to the encouragement of iron manufactures; that, without such special instructions, the committee might not have their attention called to the articles in question; and, besides this, it was wished that the House should, by such reference, evince their disposition to encourage the manufactures of our country.

After the debate had progressed for some time, Mr. SMILE moved that the resolution lie on the table, which was agreed to—ayes 69.

The House went into a Committee, on motion of Mr. MORROW, on the bill extending the time for opening the land office in the Territory of Orleans. The Committee reported the bill without amendment, and it was ordered to be engrossed for a third reading.

On motion of Mr. FINDLEY, the following resolution was agreed to:

Resolved, That the Committee of Elections be instructed to prepare and report a bill for regulating the proceedings, and taking evidence in cases of contested elections of members of this House.

EXPENDITURE OF PUBLIC MONEY.

Mr. RANDOLPH asked for the consideration of the resolution which he laid on the table some days ago, directing the appointment of a committee to inquire into the expenditure of public money; which, being agreed to, Mr. R. trusted there would be no difference of opinion as to the propriety of agreeing to this resolution. But, before the vote was taken, he would state to the House, by way of explanation, the result of a former inquiry. At the first session of the 11th Congress, a report of a committee was made, in part, on this subject. [This report Mr. R. read. It states that, owing to the shortness of the session, complete information on the subject could not be obtained.] As the session lasted but six weeks, the committee had no reason to complain that the information required was not obtained. An expectation was entertained that it would be given at the next session. But the committee have reason to complain that the information which was given, was altogether different from that which was asked. This was represented to the departments, and a more satisfactory report was promised at the ensuing session. Mr. R. said, the course pursued at the first session, under the present President, had been the same which was adopted at the close of Mr. Adams's Administration. At the 12th Con. 1st Sess.—12

following session of Congress, the person who was appointed chairman of the committee of the first session, was unable to attend; but it was a gratification to him to find, that the subject was taken up by an honorable colleague of his, to whom the State of Virginia had been more than once indebted for the luminous reports on her fiscal concerns; but nothing was effected. To show how different the information received was, from that asked for, Mr. R. proposed to read a short letter. The object of the committee was, to know in what way the Pursers of the Navy received their money, and what was the amount of their emoluments. The answer they received, stated "that the advances made to Pursers are by warrants drawn on the Treasury, sometimes by Navy agents," &c. We inquired, said he, what were their emoluments, other than those allowed by law? Answer; "they arise from a certain per centage upon *slops* detailed to the seamen." It may not be amiss, said Mr. R., to inform country gentlemen that, by *slops*, are meant ready-made clothing, &c. It was scarcely possible to have given a more evasive answer. We asked, What were their emoluments? They answer, "a certain per centage fixed by the department;" but what that per cent. was, the committee was left to find out by instinct. It had been understood that large sums of money were advanced to these Pursers, who laid it out in *slops*, which they retailed to the seamen at an advance, in some instances, of twenty per cent! This was a fact, Mr. R. said, which ought to be looked into. It was essential to the reputation of the Government, essential to its honor, indispensable to the fair fame of those who administer the finances of the United States, that abuses, such as these, should be probed to the quick, to show to the world, that, if we cannot govern the great beasts, the mammoths of the forest, we can, at least, poison the rats. And whose money, asked Mr. R., is this? It is the people's money; it comes from the pockets of the people of the United States. When he spoke of this abuse of public money, he wished no gentleman to understand him as speaking of the abuse under this, that, or the other President of the United States. He considered them all as of one description of people; and it was not less necessary to guard against abuses in a country where the President is elected by the people, than in a country where he is put over them. He would dare to question the infallibility of all, and look upon all with jealousy and distrust. He wished not, however, to be charged with that mistaken opposition to the Government, which determines to exhibit abuses for the sake of doing so; or with shutting his eyes to the abuses of *Thomas*, while they are open to the abuses of *John*. Mr. R. said, he had no interest, distinct from the interest of his country. With respect to princes and potentates, the only favor he had to ask of them, was, that they would keep their hands out of his pocket and off his person, and, to use a homely phrase, "if they would let him alone, he would let them alone."

Under these circumstances, Mr. R. asked the

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House if it were not necessary for a committee to be appointed to probe into this business? He wished to state, before he sat down, that he had learnt, soon after the present Secretary of the Navy came into office, the per centage of the Purser's was reduced from twenty to four or five per cent.

The resolution was unanimously agreed to, and a committee of seven appointed, as follows: MESSRS. RANDOLPH, GOLD, McKIM, ROBERTS, JOHNSON, LAW, and WIDGERY.

COMMODORE WHIPPLE.

On motion of Mr. TALLMADGE, the House went into Committee of the Whole, on the bill for the relief of Abraham Whipple, late a Captain in the Navy of the United States. The Committee filled up the blanks, and reported the bill to the House. Some opposition was made to its passage, on the ground that, if any provision was made for those Revolutionary services, it ought to be done generally, and not select individual cases, when there were many others equally hard. In favor of the bill, it was said, this being the case of a sea-officer, for which no provision had been made at the close of the war, no injury could arise from the precedent; that it was a case similar to Commodore Hardie's, who had been allowed a pension from the fund which had been provided by law in 1800, from the Government's share of prizes taken at sea, from which this allowance was meant also to be taken. The bill was ordered to be engrossed—yeas 71, nays 34, as follows:

YEAS—Stevenson Archer, John Baker, Josiah Bartlett, Burwell Bassett, Abijah Bigelow, Harmanus Bloeker, James Breckenridge, William Butler, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Matthew Clay, John Clopton, Thomas B. Cooke, John Davenport, jun., John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Ely, James Emot, James Fisk, Asa Fitch, Thomas Gholson, Thomas R. Gold, Peterson Goodwyn, Isaiah L. Green, John A. Harper, John P. Hungerford, Richard Jackson, jun., Joseph Kent, Abner Lacock, Lyman Law, Joseph Lewis, jun., Peter Little, Robert Le Roy Livingston, William Lowndes, William McCoy, Samuel McKee, James Milnor, Samuel L. Mitchell, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Thomas Newton, Stephen Ormsby, Joseph Pearson, Israel Pickens, William Piper, Timothy Pitkin, jun., James Pleasants, jun., Peter B. Porter, William Reed, Henry M. Ridgely, John Sevier, Adam Seybert, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, George M. Troup, Pierre Van Cortlandt, Laban Wheaton, Leonard White, Thomas Wilson, Richard Winn, and Robert Wright—71.

NAYS—Willis Alston, William Anderson, Daniel Avery, Ezekiel Bacon, William W. Bibb, Thomas Blount, Adam Boyd, Elijah Brigham, Robert Brown, William A. Burwell, William Crawford, Roger Davis, William Findley, Meshack Franklin, Bolling Hall, Obed Hall, Aylett Hawes, Jacob Hufty, John M. Hyne-man, William R. King, Joseph Lefever, Aaron Lyle, Nathaniel Macon, Thomas Moore, Alexander McKim, Arunah Metcalf, James Morgan, Josiah Quincy, John Rhea, Jonathan Roberts, Ebenezer Sage, Ebenezer

Seaver, John Smilie, George Smith, John Smith, Richard Stanford, Charles Turner, jun., Robert Whitehill, and David R. Williams—34.

Mr. DAWSON observed that, as there appeared a large majority in favor of this claim, he would offer a resolution, which he hoped would be acceptable to the House:

“Resolved, That a committee be appointed to inquire into the expediency of making provision by law for the relief of infirm and superannuated officers and soldiers of the late Revolutionary army, and of the present Army of the United States, and report by bill or otherwise.”

Ordered to lie on the table.

TUESDAY, November 19.

Mr. GHOLSON and Mr. SAGE were appointed on the Committee of Claims, in the room of Mr. BASSETT and Mr. BUTLER, who were excused from serving on that committee.

Mr. JENNINGS offered the following resolution to the consideration of the House, which was agreed to:

Resolved, That the Committee on Public Lands be and they are hereby directed to inquire into the expediency of attaching to the district of Jeffersonville, so much of the lands ceded to the United States at Fort Wayne, on the 30th of September, 1809, as lies adjoining to the said district, and east of the second principal meridian established in the Indiana Territory.

Mr. SEAVER presented a petition from certain merchants of Massachusetts, and Mr. PITKIN from others of Connecticut, praying for leave to import goods ordered from England before the President's proclamation was issued.—Referred to the Committee of Commerce and Manufactures.

The following engrossed bills were read a third time and passed, viz: A bill to extend the time for opening the several land offices established in the Territory of Orleans; and a bill for the relief of Abraham Whipple, late a captain in the Navy of the United States.

Mr. DAWSON called up for consideration the resolution which he yesterday laid upon the table, for appointing a select committee to inquire into the expediency of making provision by law for infirm, disabled, and superannuated officers and soldiers of the Revolutionary and present Army. It was considered and agreed to, without a division. The committee consists of seven members, viz: Mr. DAWSON, Mr. BLOUNT, Mr. BUTLER, Mr. DAVENPORT, Mr. ORMSBY, Mr. GOLD, Mr. FISK.

TERRITORY OF LOUISIANA.

On motion of Mr. RHEA, the House went into a Committee of the Whole, on the bill for the government of the Territory of Louisiana. The bill being read by paragraphs, Mr. FISK moved to strike out the words in the fifth section of the bill, which makes it necessary for persons to be in possession of a freehold to have a right to vote. This motion was opposed by Mr. RANDOLPH, on principle, in a speech of considerable length, in which he advocated the freehold qualification for voters.

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The motion was opposed also by Mr. RHEA, as unnecessary for the attainment of the mover's object; as he stated the qualification for voters was twofold—one was the possession of a freehold, the other a residence of a year previous to the time of election.

Mr. POINDEXTER made a motion, which superseded that of the gentleman from Vermont, to strike out all that part of the section which defined the qualification of voters, and insert, "every free white male citizen residing in the said Territory, who shall have attained the age of twenty-one years, and paid a tax."

This amendment was debated till the usual hour of adjournment, when the Committee rose without taking the question, and obtained leave to sit again.

This debate, though protracted to considerable length, embraced a very narrow question, viz: whether it is better to require voters to hold freehold property, or to suffer every man to possess the privilege of voting who has arrived to the age of twenty-one years. As already stated, Mr. RANDOLPH took the first ground, and introduced the practice of Virginia to show that it was attended with the best effects. Mr. FISK, Mr. WRIGHT, Mr. SMILIE, and Mr. POINDEXTER, took the opposite side of the question. They argued that life and liberty are superior to property—that these are dearer to the poor man than all the property of the rich. Mr. WRIGHT said, that the State of Maryland had tried the property qualification for voting, had found it attended with bad effects, and had now abandoned it. It was formerly required that a voter should be possessed of property to the value of thirty pounds; so that if a man possessed a horse of that value, he was entitled to a vote; but if the horse happened to die before the election, he lost his privilege, which was placing the right in the horse instead of the man. As to freehold qualifications, they were evaded too by deeds made for the occasion, which were afterwards cancelled.

Mr. RANDOLPH, in combatting the principle of universal suffrage, said that it was impossible for the gentleman himself, (alluding to Mr. SMILIE,) or any piping-hot member from a Jacobin club—for any disciple of *Tom Paine* or of the *Devil*—to carry this principle of equality to its full extent; for even they must exclude from its operation minors and females. He also took occasion to pronounce a strong philippic against foreigners having any part in the Government. Mr. SMILIE, in his reply, paid a tribute of respect to the memory of Paine, on account of his valuable political writings, which had been considered as highly serviceable in the Revolution, and which would always be esteemed wherever the *rights of man* are understood, and reminded him of the foreigners who had assisted in fighting our Revolutionary battles. Mr. RANDOLPH justified his allusion to Paine; said he was sorry the gentleman had not recollected his "Age of Reason," as well as his "Rights of Man;" and as to any services which he rendered by his writings, he thought little of them. The heroes engaged in that great cause

did not need the assistance of an English *stay-maker*. In reply, Mr. SMILIE said, he never interfered with a man's religious opinion; that was a private concern, which lay between God and a man's own conscience; and as to the profession of Paine, that, he apprehended, would never lessen the value of his writings.

WEDNESDAY, November 20.

Another member, to wit, ARCHIBALD MCBRYDE, from North Carolina, appeared, produced his credentials, was qualified, and took his seat.

Mr. LITTLE presented a memorial of the representatives of the religious society of Friends, of the yearly meeting held in Baltimore, for the Western Shore of Maryland, the adjacent parts of Pennsylvania, Virginia, and Ohio, stating that an extensive traffic is carried on in negroes and people of color, from the Middle to the Southern States, in violation of the law prohibiting the African slave trade; and that many free people of color are kidnapped, carried off, and held in slavery, by persons engaged in the traffic above mentioned, and praying the interference of Congress therein.—Referred to the Committee of Commerce and Manufactures.

Mr. DAWSON, from the committee appointed on the eighth instant, presented a bill for the apportionment of representatives among the several States, according to the third enumeration; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. POINDEXTER presented a petition of the inhabitants of West Florida, praying, for the reasons therein stated, that West Florida be annexed to, and governed by, the laws of the Mississippi Territory.—Ordered to lie on the table.

Mr. MILNOR stated that the present compensation to witnesses who are compelled to appear in the courts of the United States is very inadequate. Several distressing cases of this kind had occurred in Pennsylvania. To remedy the evil, Mr. M. proposed the adoption of the following resolution:

"Resolved, That a committee be appointed to inquire into the expediency of providing, by law, for the compensation of witnesses held under recognizance to give testimony in criminal prosecutions in courts of the United States, with leave to report by bill or otherwise."

Agreed to, and a committee of three appointed, viz: Mr. MILNOR, Mr. GHOLSON, and Mr. METCALF.

THURSDAY, November 21.

Another member, to wit: ELISHA R. POTTER, from Rhode Island, appeared, produced his credentials, was qualified, and took his seat.

Mr. SEYBERT presented a petition of John H. and Joseph Cresson, merchants, of Philadelphia, to the same effect with the petition of William Dean.—Referred to the Committee of Commerce and Manufactures.

Mr. FINDLEY, from the Committee of Elections, to whom was referred the petition of John Taliaferro, contesting the election of JOHN P.

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HUNGERFORD, made a report thereon; which was read, and referred to a Committee of the Whole on Monday next.

Mr. LEWIS presented a petition of Rebecca Hodgson, widow and administratrix of Joseph Hodgson, deceased, praying compensation for the loss of a brick house, the property of the petitioner's husband, which was leased to the Government to be occupied as an office for the War Department, and was burned down whilst in the occupancy aforesaid.—Referred to the Committee of Claims.

Mr. SEYBERT, from the Committee of Revisal and Unfinished Business, made a report, in part, of such matters of business as were depending and undetermined at the close of the last session of Congress.—Ordered to lie on the table.

ADDITIONAL DUTIES.

On motion of Mr. RHEA, the House took up for consideration the resolution which he had submitted some days ago, proposing to instruct the Committee of Commerce and Manufactures to inquire into the expediency of laying an additional duty on coarse manufactures of hemp, flax, and cotton.

This resolution produced a long desultory debate, which occupied the House the whole of the day, without coming to any decision upon it.

Mr. STANFORD, on the ground that the Committee of Commerce and Manufactures had already this subject under consideration, moved an indefinite postponement of the resolution.

This motion was negatived, 58 to 48.

Mr. KING proposed an amendment. He expressed himself friendly to the resolution of the gentleman from Tennessee, and to the encouragement of domestic manufactures generally. His amendment was in the following words:

"And also into the expediency of laying a duty on the importation of salt, with authority to report by bill or otherwise."

Mr. K. observed, that this was an article of general consumption, and its manufacture ought to be encouraged; as it was known what difficulties this country had experienced, and might again experience, when placed in a situation in which a sufficiency of salt could not be obtained. He hoped, therefore, his amendment would be agreed to.

Mr. SMILIE was afraid the House was getting into a practice that would produce great trouble and confusion, by departing from the usual and settled mode of proceeding. It had always been deemed irregular, when a subject was committed, to bring it forward in the House before the committee made its report. Look at our situation, said he. A gentleman proposes a tax on manufactures of cotton, another on salt. Every gentleman has his favorite manufacture which he wishes encouraged, so that an armful of resolutions will be thrown into the hands of this committee. Mr. S. said he was friendly to the manufactures of our country, and was willing to give them every aid; but he did not wish, in doing this, to break through established rules. If gen-

tlemen would suspend their remarks on the subject until the Committee of Commerce and Manufactures make their report, they will then have a fair opportunity of delivering their sentiments fully, and of supporting such particular manufactures as they may deem of most importance to the country. He hoped that neither the amendment nor the resolution would be agreed to.

Mr. ALSTON considered the gentleman from Pennsylvania mistaken as to the rule and practice of the House. If the doctrine which he maintains were correct, gentlemen might be defeated in effecting the objects which they have in view. It was only to refer a subject to a committee; and if a majority of that committee were unfriendly, and either failed to report, or reported inimically, the friends of the measure might be defeated, though there were a majority in the House in its favor. It was a common practice, Mr. A. said, to refer a subject generally to a committee, and afterwards instruct them, by resolution, as to particular branches of the subject.

Mr. NEWTON (the Chairman of the Committee of Commerce and Manufactures) said, the subject of manufactures was considered as being generally before them, and he knew it to be the intention of the committee to take up the matter comprehensively; and if any gentleman shall think proper to give them information respecting any particular manufacture, either orally or in writing, they will be glad to receive it. Mr. N. thought the gentleman from North Carolina (Mr. ALSTON) was mistaken, when he said that a committee had the power of defeating the purposes of members; because, whenever a report was made, it was in the power of a majority of the House to amend it, and make it just what they please.

Mr. QUINCY was in favor of the amendment offered by the gentleman from North Carolina, (Mr. KING,) and thanked him for bringing it forward. Some of his constituents, men who lived on the sandbanks of the country, were deeply interested in the manufacture of salt, and had been nearly ruined by the repeal of the duty on that article. He was friendly to a duty on salt, as it was more equal and less felt in the payment than any other, and he had always thought it strange that the duty had been repealed.

Mr. MACON thought the proposition to tax this necessary of life, at a time when it is probable we may find a difficulty in procuring it in sufficient quantity, was very ill-timed. The repeal of this duty had been called strange. He thought it would have been more strange had Congress continued the duty when the Treasury was not in need of the money arising from it. If there was any thing strange in the business, it was that there should have been any opposition to the repeal. Mr. M. agreed with the remark made by a gentleman from Massachusetts some days ago, that taxes, to be just, ought to be equal. Would a tax on salt, he asked, be equal? It certainly would not. People on the seacoast would not feel it. Their cattle would refuse it, if given to them. The interior of the country, the people from East to West, would have to bear the weight

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of this tax. But the gentleman from Massachusetts says the repealing of this duty ruined his constituents, who live on the sandbanks of the country. He would not consent, however, to tax the people of his part of the country, living on sandhills, to support that gentleman's sandbank constituents.

But this duty, it is said, is to be laid to encourage manufactures. Why this great cry about domestic manufactures? He thought they had already sufficient encouragement from the present situation of things. The President had recommended the subject to the consideration of the House, and he had no doubt the committee, to whom it had been referred, would do what is proper on the subject. Mr. M. wished to know for what purpose this additional duty is wanted. If, said he, it be wanted for going to war, let us know it. For his part, he had heard so much about war formerly, that he hardly thought we should get at it now.

Mr. M. said, on a former occasion, when the country was in a situation something like the present, a gentleman from Virginia was so alarmed lest salt sufficient could not be had, that he proposed a bounty on its importation. What, said Mr. M., will be the effect of a proposition for taxing salt in the country? He had no doubt that, in the Southern States, it would immediately raise the price of the article at Petersburg and Fayetteville. On this account, he hoped, if the House did not mean to lay a tax on salt, that the proposition would be immediately discarded. For himself, he would sooner consent to a land or poll tax than a tax on salt.

Mr. SMITH moved a postponement of the resolution until the first Monday in February next.

This motion was debated at some length. Some who wished to vote for it, wished the proposition for a tax on salt to be disconnected with the original proposition.

Mr. KING withdrew his amendment. But he could not help expressing his astonishment at the alarm which had been excited by a mere proposition to submit an inquiry to a committee. He did not propose to tax salt, but he wished the subject to have been committed, that a report might have been had on the subject. He was far from desiring to benefit one part of the country to the injury of another, or from offering any disrespect to the Committee of Commerce and Manufactures; but he wished to see how far Congress were disposed to encourage the manufactures of our country in preference to those of foreign nations.

Mr. BURWELL was of opinion that the proposed postponement would not answer the purpose intended; for, when the day arrived to which the resolution was referred, the gentleman from Tennessee would not fail to call it up, perhaps, twenty times in the course of the session. He had said he would stick by it, and no one would doubt his perseverance to obtain his object. Mr. B. thought it would be the better course, and would save much trouble in the House, to refer this, and every other resolution of the kind which might

be offered. It would be showing respect to the movers, would not decide upon their merits, and the committee would act upon them as they thought proper. If a contrary course be pursued, gentlemen who wish to call the attention of Congress to particular kinds of manufacture, will have to be constantly troubling the committee to whom the subject is referred, which might prove very unpleasant, both to the members of the committee and to the gentlemen who felt it their duty to apply to them. He hoped the House would, therefore, act upon the resolution.

The question on postponement was negatived by yeas and nays—64 to 46.

The resolution came again under consideration. Successive amendments were made to it. The word *coarse* was struck out, and the articles of wool and lead were added. Salt was again proposed by Mr. QUINCY, but negatived—59 to 54. Iron wire and files were proposed to be added; but the usual hour of adjournment having arrived, a motion was made and carried to adjourn, before the question on this proposition was decided.

FRIDAY, November 22.

Another member, to wit; EDWIN GRAY, from Virginia, appeared, produced his credentials, was qualified, and took his seat.

Mr. POINDEXTER, from the committee appointed the fourteenth instant, presented a bill for the relief of Josiah H. Webb; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. KEY presented a petition of John Dillon, of the State of Maryland, stating that his schooner, called the "Rachael," was seized, libelled, and condemned in the district court of Orleans, for a supposed violation of the revenue laws, and that, upon an appeal to the Supreme Court, the sentence of condemnation was reversed, and restitution ordered; and praying that he may be paid the amount for which the said vessel was sold under the order of the said court of Orleans.—Referred to the Committee of Claims.

Mr. STOW presented a petition of sundry officers and soldiers, and the heirs of officers and soldiers, who served in the British army in America, in the war between Great Britain and France, which commenced in 1755, residing in Jefferson county, State of New York, praying that their claims to lands for services in the said war may be investigated, and that they may receive grants for whatever portion may be found due to them.—Referred to the Committee of Claims.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill for the relief of Anthony Crease; which was read twice, and committed to a Committee of the Whole on Monday next.

On motion of Mr. SEYBERT, a committee of three members of the House of Representatives was appointed, who, with three members of the Senate, shall have the application of the money appropriated by the "Act making a further ap-

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appropriation for the support of a Library," passed the 21st of February, 1806; and Messrs. SEYBERT, LOWNDES, and QUINCY, were appointed the committee.

Mr. GOLD, from the committee appointed the 13th instant, presented a bill providing for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States; which was read twice, and committed to a Committee of the Whole on Monday next.

On motion of Mr. BURWELL, John Taliaferro, who has contested the election of JOHN P. HUNGERFORD, had leave to occupy a seat on the floor of the House, for the purpose of being heard, in person, when the subject-matter of the said contested election shall be under consideration.

APPORTIONMENT OF REPRESENTATIVES.

On motion of Mr. DAWSON, the House resolved itself into a Committee of the Whole, on the bill for apportioning the Representatives among the several States, according to the third enumeration.

The bill having been read, the question on filling the blanks occurred. The first was in relation to the number of inhabitants for each Representative; when

Mr. DAWSON observed, that he was instructed by the committee who directed him to report this bill, to propose filling the blank with the words *forty thousand*; but he should himself vote against filling the blank with this number, because it would deprive the State of Rhode Island of one-half of her present Representatives; it would deprive Connecticut and Maryland each of one member, and Virginia of two. He should, therefore, be in favor of filling the blank with 37,000, as this number would not deprive any State of a Representative, and it would only increase the present number of Representatives from 142 to 180.

Mr. RIDGELY, from Delaware, hoped the blank would not be filled with 40,000. He was in favor of filling it with 35,000, which he thought would do more equal justice to all the States than any other number, and would leave less fractional numbers. This number would give two members to the State he represented; a greater number would leave a very large fraction. If 35,000 were agreed upon, it would give the House 181 members, which, he thought, could not be considered as an extravagant number. Mr. R. urged the propriety of thus filling the blank, at considerable length.

Mr. POTTER spoke of the hardship which the State which he represented (Rhode Island) would experience, if the number proposed should be agreed to. Mr. P. thought such treatment, from her sister States, would illy requite the great exertions of her citizens during the Revolution, or the commercial and manufacturing enterprise of his constituents, which was at least equal to that of any State in the Union. He hoped, in order to afford time for deliberation on this subject, that the Committee would rise, and report progress. He made this motion; which was negatived.

The question was then taken on filling the blank with 40,000, and negatived—ayes 60, noes 53.

Mr. DAWSON then moved to fill the blank with the words 37,000.

Mr. ANDERSON moved 39,000.

Mr. BOYD was in favor of a smaller number. He thought the reasons offered by the gentleman from Delaware, in favor of filling the blank with 35,000, were deserving of attention, and spoke at some length in favor of this number.

Questions were severally taken on filling the blank with 39,000, 38,000, and 37,000, and negatived; the last by one vote only.

The question was then put upon 35,000, and carried—69 votes being in favor of it.

Mr. DAWSON moved that the Committee rise. The other blanks in the bill would be easily filled in the House, after the number of inhabitants to each Representative should be definitively settled.

The Committee rose accordingly, and took up the report.

Mr. SMILIE voted in Committee of the Whole in favor of filling the blank with 37,000, in order to accommodate those States which would suffer by having the blank filled with 40,000, though he thought that number would be best; but as he found the members from those very States voted against 37,000, and in favor of a smaller number, he should now be in favor of 40,000.

After considerable debate, in which Mr. RIDGELY, Mr. FISK, and Mr. WIDGERY, spoke in favor of agreeing to the report, and Mr. J. RANDOLPH against it, and in favor of filling the blank with 37,000, the question on filling the blank with 35,000, was taken and negatived—yeas 48, nays 76, as follows:

YEAS—Daniel Avery, Josiah Bartlett, Abijah Bigelow, Adam Boyd, Elijah Brigham, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, John Davenport, jun., Samuel Dinsmoor, Elias Earle, William Ely, James Emott, James Fisk, Asa Fitch, Thomas R. Gold, Edwin Gray, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, Richard Jackson, junior, Philip B. Key, Lyman Law, Robert Le Roy Livingston, James Milnor, Samuel L. Mitchell, Jonathan O. Moseley, Timothy Pitkin, jun., Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, William Reed, Henry M. Ridgely, Ebenezer Seaver, Samuel Shaw, Lewis B. Sturges, George Sullivan, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Pierre Van Cortlandt, jun., Laban Wheaton, Leonard White, and William Widgery.

NAYS—Willis Alston, jun., William Anderson, Stevenson Archer, John Baker, David Bard, Burwell Bassett, William W. Bibb, Harmanus Bleecker, Thomas Blount, James Breckenridge, Robert Brown, William A. Burwell, William Butler, Matthew Clay, John Clopton, Thomas B. Cooke, Lewis Condit, William Crawford, Roger Davis, John Dawson, Joseph Desha, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Felix Grundy, Aylett Hawes, Jacob Huffy, John P. Hungerford, John M. Hyneman, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Joseph Lewis, junior, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archi-

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bald McBryde, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jun., John Randolph, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Thomas Sammons, John Sevier, Adam Seybert, John Smilie, Geo. Smith, John Smith, Richard Stanford, Silas Stow, William Strong, Peleg Tallman, George Troup, Chas. Turner, jun., Robert Whitehill, David R. Williams, Thomas Wilson, and Richard Winn.

Mr. TROUP moved to fill the said blank with the words "forty thousand;" and the question being taken, it was determined in the negative—yeas 50, nays 72, as follows:

YEAS—Willis Alston, junior, William Anderson, Ezekiel Bacon, David Bard, Josiah Bartlett, William W. Bibb, Harmanus Bleecker, Thomas Blount, Robert Brown, William A. Burwell, John C. Calhoun, Langdon Cheves, Matthew Clay, Lewis Condit, William Crawford, Roger Davis, Joseph Desha, William Findley, Meshack Franklin, Felix Grundy, Bolling Hall, Obed Hall, Jacob Hufty, John M. Hyneman, William R. King, Abner Lacock, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Archibald McBryde, Samuel McKee, Samuel L. Mitchell, James Morgan, Thomas Newbold, Israel Pickens, William Piper, Jonathan Roberts, William Rodman, Ebenezer Sage, Adam Seybert, Samuel Shaw, John Smilie, William Strong, Peleg Tallman, George M. Troup, Charles Turner, jun., Robert Whitehill, David R. Williams, and Thomas Wilson.

NAYS—Stevenson Archer, Daniel Avery, Burwell Bassett, Abijah Bigelow, Adam Boyd, James Breckenridge, Elijah Brigham, William Butler, Epaphroditus Champion, Martin Chittenden, John Clopton, Thomas B. Cooke, John Davenport, jun., John Dawson, Samuel Dinsmoor, Elias Earle, William Ely, Jas. Emott, James Fisk, Asa Fitch, Thomas Gholson, Thomas R. Gold, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John A. Harper, Aylett Hawes, John P. Hungerford, Richard Jackson, junior, Joseph Kent, Philip B. Key, Lyman Law, Joseph Lefever, Joseph Lewis, jr., Robert Le Roy Livingston, Thomas Moore, William McCoy, Alexander McKim, Arunah Metcalf, James Milnor, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, Timothy Pitkin, jun., James Pleasants, jun., Benjamin Pond, Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, John Rhea, John Roane, Thomas Sammons, Ebenezer Seaver, John Sevier, George Smith, John Smith, Richard Stanford, Silas Stow, Lewis B. Sturges, George Sullivan, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Pierre Van Cortlandt, jun., Laban Wheaton, Wm. Widgery, and Richard Winn.

Mr. TRACY moved to fill the said blank with "thirty-eight thousand;" and the question thereon being taken, was also determined in the negative.

Mr. DAWSON then moved, that the said blank be filled with the words "thirty-seven thousand;" and the question thereon being taken, was resolved in the affirmative—yeas 102, nays 18, as follows:

YEAS—Willis Alston, jun., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, David

Bard, Josiah Bartlett, Burwell Bassett, Abijah Bigelow, Harmanus Bleecker, Thomas Blount, Jas. Breckenridge, Elijah Brigham, Robert Brown, William A. Burwell, William Butler, Epaphroditus Champion, Langdon Cheves, Matthew Clay, John Clopton, Lewis Condit, William Crawford, John Davenport, junior, Roger Davis, John Dawson, Joseph Desha, Elias Earle, William Ely, James Emott, William Findley, Asa Fitch, Meshack Franklin, Thomas Gholson, Thos. R. Gold, Peterson Goodwyn, Edwin Gray, Felix Grundy, Obed Hall, Aylett Hawes, Jacob Hufty, John P. Hungerford, John M. Hyneman, Richard Jackson, jr., Joseph Kent, Philip B. Key, William R. King, Abner Lacock, Lyman Law, Joseph Lefever, Joseph Lewis, jun., Robert Le Roy Livingston, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchell, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, Timothy Pitkin, junior, James Pleasants, junior, Benjamin Pond, Elisha R. Potter, John Randolph, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Thomas Sammons, John Sevier, John Smilie, George Smith, John Smith, Richard Stanford, Silas Stow, Lewis B. Sturges, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, George M. Troup, Charles Turner, jun., Pierre Van Cortlandt, junior, Laban Wheaton, Robert Whitehill, David R. Williams, Wm. Widgery, Thomas Wilson, and Richard Winn.

NAYS—William W. Bibb, Adam Boyd, John C. Calhoun, Martin Chittenden, Samuel Dinsmoor, Jas. Fisk, Isaiah L. Green, Bolling Hall, John A. Harper, James Morgan, Josiah Quincy, Henry M. Ridgely, Ebenezer Seaver, Adam Seybert, Samuel Shaw, William Strong, George Sullivan, and Samuel Taggart.

Mr. DAWSON moved to fill the other blanks in the bill, as follow: New Hampshire, five members; Massachusetts, eighteen; Vermont, five; Rhode Island, two; Connecticut, seven; New York, twenty-five; New Jersey, six; Pennsylvania, twenty-one; Delaware, one; Maryland, nine; Virginia, twenty-two; North Carolina, thirteen; South Carolina, nine; Georgia, five; Kentucky, ten; Ohio, six; and Tennessee, six.

The bill was ordered to be engrossed for a third reading, and the House adjourned.

MONDAY, November 25.

The SPEAKER laid before the House the annual report of the Secretary of the Treasury on the state of the finances of the United States, in obedience to the "Act to establish the Treasury Department."—Referred to the Committee of Ways and Means.

Mr. AVERY, from the committee appointed on the fourteenth instant, presented a bill for the relief of John Burnham; which was read twice, and committed to a Committee of the Whole tomorrow.

On motion of Mr. POINDEXTER,

Resolved, That so much of the petition of the inhabitants of West Florida, as relates to the annexation of that Province to the Mississippi Territory, be referred to the committee appointed

on the memorial of the Legislative Council and House of Representatives of said Territory, praying admission into the Union on an equal footing with the original States; and that so much of the said petition as relates to land claims, be referred to the Committee on the Public Lands.

A message from the Senate informed the House that the Senate have passed a bill "to authorize the surveying and marking of certain roads in the State of Ohio, as contemplated by the Treaty of Brownstown, in the Territory of Michigan," and desire the concurrence of this House therein.

APPORTIONMENT BILL.

The bill for the apportionment of representatives according to the third enumeration of the people of the United States was read a third time; and on the question, "Shall the bill pass?"

Mr. BIBB moved to recommit the bill, with a view to substitute another ratio for that on which it is now predicated.

The motion was supported at considerable length by Mr. QUINCY, as also by Mr. KEY and Mr. WIDGERY and Mr. SMILIE, and opposed by Mr. RANDOLPH.

The motion for recommitment was lost—yeas 56, nays 72, as follows:

YEAS—William Anderson, Daniel Avery, Ezekiel Bacon, Josiah Bartlett, William W. Bibb, Abijah Bigelow, Harmanus Bleeker, Adam Boyd, Elijah Brigham, Robert Brown, Martin Chittenden, Thomas B. Cooke, Lewis Condit, Roger Davis, Samuel Dinsmoor, William Ely, James Emott, William Findley, James Fisk, Asa Fitch, Thomas R. Gold, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, John M. Hynean, Philip B. Key, Robert Le Roy Livingston, Aaron Lyle, George C. Maxwell, Arunah Metcalf, James Milnor, Samuel L. Mitchell, Benjamin Pond, Peter B. Porter, Josiah Quincy, William Reed, Henry M. Ridgely, William Rodman, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, Silas Stow, William Strong, George Sullivan, Samuel Taggart, Peleg Tallman, Uri Tracy, Charles Turner, jun., Pierre Van Cortlandt, jun., Laban Wheaton, Leonard White, and William Widgery.

NAYS—Willis Alston, jun., Stevenson Archer, John Baker, David Bard, Burwell Bassett, William Blackledge, Thomas Blount, James Breckenridge, William A. Burwell, William Butler, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, John Clopton, William Crawford, John Davenport, jun., John Dawson, Joseph Desha, Elias Earle, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Edwin Gray, Felix Grundy, Aylett Hawes, Jacob Hufty, John P. Hungerford, Richard Jackson, jun., Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Lyman Law, Joseph Lefever, Joseph Lewis, jun., Peter Little, William Lowndes, Nathaniel Macon, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Alexander McKim, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Joseph Pearson, Israel Pickens, William Piper, Timothy Pitkin, jun., James Pleasants, jun., Elisha R. Potter, John Randolph, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, John Sevier, John Smith,

Richard Stanford, Lewis B. Sturges, Benjamin Tallmadge, Robert Whitehill, David R. Williams, Thomas Wilson, and Richard Winn.

The question was then taken on the passage of the bill, and resolved in the affirmative.

MILITARY CORPORAL PUNISHMENT.

Mr. RANDOLPH prefaced a motion on this subject by observing that he trusted it was one on which there would be no difference of opinion. The subject had before now been agitated in the House, and had been spoken of at least, if not formally brought before the Committee of Foreign Relations; but deeming it more specifically to belong to the committee on that part of the President's Message relating to our military affairs, he wished to give it that direction. If they were, according to the wishes of the Executive, to increase the standing military force, to authorize the President to accept the services of volunteer companies, and to call out detachments of militia; in other words, if there was the slightest probability that the public force of the country would be brought into action; the first step to be taken must be to amend the rules and articles of war, so as to abolish the use of the lash. Although the vagrants picked up in alehouses and tipping shops might submit to this degradation, it was well known, Mr. R. said, that the yeomanry of the country would not; and he would venture to say that, formidable as they would be to an enemy in the field, they would prove more so to their officers if this sort of military discipline were attempted to be introduced among them. He remarked also that, notwithstanding all that could be said by military coxcombs, by the sticklers for the old system, experience had proved that flogging was not essential to the strictest military discipline. He, therefore, moved,

"That the committee to whom has been referred so much of the President's Message as relates to filling the ranks and prolonging the enlistments of the regular troops, and to an auxiliary force, be instructed to inquire whether any, and what alteration is necessary in the act, entitled 'An act for establishing rules and articles for the government of the armies of the United States.'"

The resolution was ordered to lie on the table.

TUESDAY, November 26.

Mr. MORROW, from the Committee on the Public Lands, who were instructed by a resolution of the eighteenth instant to inquire what provision ought to be made for the location of Virginia military land warrants, made a report thereon; which was read, and ordered to lie on the table.

Mr. NEWTON made a favorable report on the memorial of Stephen Kingston, merchant of Philadelphia; which was read and committed.

Mr. TALLMADGE presented the petition of Shipman, Dennison, and Co., merchants of New Haven, Connecticut, stating their having in October 1810, previous to the issuing of the President's proclamation, shipped a cargo of horses,

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mules, &c., to Santa Cruz, which, according to custom, had been immediately there sold for West India produce, payable in March following, when the importation of the same into the United States was interdicted; and praying that they may be permitted to import the same, the non-importation law to the contrary notwithstanding. —Referred to the Committee of Commerce and Manufactures.

The bill from the Senate authorizing the surveying and marking certain roads in the State of Ohio, as contemplated by the Treaty of Brownstown, was twice read and committed.

The bill for the relief of Josiah H. Webb (a person disabled by a wound whilst engaged in conveying the mail of the United States) went through a Committee of the Whole, and was ordered by the House to be engrossed for a third reading.

The bill for the relief of Anthony Crease went through a Committee of the Whole, and was, after some objections, reported to the House, who refused to pass it to a third reading, 51 to 48.

[The bill went to enable said Crease, an alien, or his heirs, to hold real estate within this District.]

Mr. NELSON presented the petition of the Protestant Episcopal Church of the town of Alexandria, praying for an act of incorporation. [A bill for carrying into effect the prayer of a similar petition, it will be recollected, was at the last session rejected by the President of the United States.] The memorial, which is very long, was read and referred to the Committee of the District of Columbia.

Mr. RHEA offered the following resolution, giving as a reason for it, the doubts which seem to hang over the subject:

Resolved, That the Committee on Indian Affairs be instructed to inquire, whether the laws of the United States, or the laws of the respective States and Territories, do extend over parts of States and Territories, situated respectively adjacent to the United States, and to which the Indian title is not extinct, and in what manner, and to what extent, and report their opinion thereon.

On the suggestion of Mr. LACOCK who remarked on the number of resolutions of this kind already before the House, the resolution was, with the consent of the mover, ordered to lie on the table.

Mr. POINDEXTER, after observing that the resolution already before the House on the subject was not sufficiently comprehensive, moved the following resolution:

Resolved, That the committee appointed on so much of the Message of the President of the United States as relates to Indian affairs, be instructed to inquire into the expediency of extending the jurisdiction of the district courts of the United States and inferior courts of the Territories thereof, over those parts of the several States and Territories to which the Indian title has not been extinguished, so as to authorize said courts to take cognizance of all cases, civil and criminal, against any citizen or citizens, or other person or persons, (Indians excepted,) resident or being within the Indian boundary.

This resolution, on the suggestion of Mr. RHEA, who had previously offered a resolution on the same subject, was ordered to lie on the table.

IMPRESSED SEAMEN.

Mr. LITTLE offered the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before this House, as far as practicable, a list of the whole number of persons impressed, seized, and otherwise unlawfully taken from on board vessels sailing under the United States' flag on the high seas or rivers, in ports and harbors; by whom, and under the authority of what Power, Kingdom, or State, such impressments, seizures, and other unlawful detentions were made; what number thereof are citizens of the United States; with such other information on this subject as he in his judgment may think proper to communicate.

Mr. SEYBERT inquired what period of time the mover contemplated to be embraced by his resolution.

Mr. LITTLE said his object was to procure every information attainable on a subject which had excited much attention and feeling among the people of the United States, and occasioned loud complaint. He said he had examined the records of the House and found no report on the subject later than 1807, which report was but partial. His object was to obtain information on the subject from 1792, when the evil was first felt, to the present time.

The resolution lies on the table.

AMERICAN MANUFACTURES.

Mr. NEWTON observed that the persons who took the third census had been also directed by law to take accounts of the manufactures of the United States in their respective districts, and make their returns to the office of the Secretary of the Treasury of the United States. So soon as the Committee of Commerce and Manufactures should be in possession of that report, it was the intention of the committee to take the subject of manufactures into consideration. And he now rose to give notice that the committee were ready to receive any information on this subject which gentleman from any part of the Union might have to communicate.

Mr. RHEA, after expressing his thanks for the liberty offered to him to give to the Committee of Commerce and Manufactures any information he might possess on the subject of the manufactures of the country in which he lived; but thinking it possible he might not have the honor of coming before that committee, he should move the consideration of the resolution offered by him some days ago for laying additional duties on the coarse manufactures of certain materials imported into the United States. It appeared from the gentleman's statement, that the committee had now before them no specific proposition for encouraging manufactures, and were waiting for a certain something from the Treasury Department, which they did not know when they should receive. He, therefore, hoped they would take up his resolution.

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Process in Federal Courts—Western Roads.

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The House refused to proceed to the consideration of Mr. RHEA's resolution—yeas 44, nays 60.

Mr. RHEA then moved the order of the day on the bill providing for the government of Louisiana; which the House also refused to take up.

PROCESS IN FEDERAL COURTS.

The House resolved itself into a Committee of the Whole on the bill providing for the more convenient taking of affidavits to be used in civil cases in the courts of the United States, and to provide the mode of taking bail in certain cases.

[The bill goes to authorize certain judicial officers in each State, such as the Chancellor and Judges of the Superior Courts, &c., to receive bail and take affidavits to be used in civil cases in the courts of the United States.]

Considerable conversation took place between Messrs. GOLD, GHOLSON, MCCOY, KING, FISK, CHEVES, MILNOR, CLAY, (Speaker,) KEY, and ELY, on the principle as well as on the details of the bill.

It appeared, from what was said by different gentlemen, that there was no uniform rule prescribed in such cases by the laws of the United States; that whilst in New York and Pennsylvania, clients frequently had to travel three or four hundred miles to the district Judge, or to the office of the clerk of the court, to make affidavit or to enter bail; yet in Kentucky, Maryland, and Massachusetts, affidavits were made or bail entered before any authority commissioned to do the same as to the State courts. The bill was objected to, therefore, principally on two grounds; because it abridged the rights of the people of those States where the greatest latitude of indulgence already existed, and because the courts of the United States were authorized to make such rules and regulations in this case as they should think proper. There appearing, however, to be much difference of opinion on the subject among the legal characters of the House, the committee rose, and the bill was recommitted to the committee who reported it, to which on motion of Mr. GOLD, four other members were added, viz: Mr. CHEVES, Mr. KEY, Mr. ELY, and Mr. GHOLSON.

WEDNESDAY, November 27.

Mr. GHOLSON made an unfavorable report on the claims of several petitioners barred by the statutes of limitation.—Referred to a Committee of the Whole.

The engrossed bill for the relief of Josiah H. Webb, was read a third time, and passed.

Mr. MORROW reported favorably on the petition of sundry land claimants in Mississippi Territory, praying for an extension of time for paying the last instalment on purchases of public lands.—Recommitted to the Land Committee, to report a bill thereon.

The House went into a Committee of the Whole, on the report of the Committee of Elections, on the contested election of JOHN P. HUNGERFORD. Before any decision could be had, the Committee rose, and the House adjourned.

THURSDAY, November 28.

Two other members, to wit: WILLIAM PAULDING, jun., from New York, and CHARLES GOLDSBOROUGH, from Maryland, appeared, produced their credentials, were qualified, and took their seats.

The annual report of the Secretary of the Treasury, respecting the regulation of the currency of foreign coins, was laid before the House by the SPEAKER, and ordered to lie on the table.

Mr. MORROW presented the petition of the Mayor and Aldermen of the city of New Orleans, praying that Congress will invest the right to a certain lot of land lying in the city of New Orleans, in the corporation thereof, on which it is proposed, under an act of the said corporation, to erect steam engines, and the necessary buildings by which it is contemplated to supply the said city with water.

Mr. BACON moved the following resolutions, which were agreed to:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of continuing in force, for a further time, an act, entitled "An act continuing, for a limited time, the salaries of the officers of Government therein mentioned," and have leave to report by bill or otherwise.

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of continuing in force for a further time the first section of an act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers," and that they have leave to report by bill or otherwise.

Mr. MORROW moved the following resolution, predicating it on the late unfortunate occurrence on the Wabash:

Resolved, That the President of the United States be authorized to loan to the State of Ohio — stand of arms, with bayonets and cartouch boxes, and — pieces of field artillery, on the Legislature of that State making such provision by law as shall, in his opinion, afford security for their safe-keeping and return, save the damage and loss incident to use and accident in actual service.

The resolution was referred to a Committee of the Whole.

Mr. JENNINGS moved the following resolution, which was agreed to:

Resolved, That a committee be instructed to inquire into the expediency of allowing the qualified voters in the several counties in the Indiana Territory to elect their sheriffs in their respective counties, and that the said committee inquire likewise into the expediency of allowing appeals in certain cases, from the Territorial courts to the courts of the United States, and what amendments, if any, are necessary to be made to an act entitled "an act to divide the Indiana Territory into two separate governments," with leave to report by bill, bills, or otherwise.

Messrs. JENNINGS, SEVIER, NEW, ROBERTS, WILSON, MORGAN, and MAXWELL, were appointed the committee.

WESTERN ROADS.

Mr. MORROW made a report of the committee appointed on the 11th instant, "to inquire into the expediency of laying out and making the roads contemplated by the Treaty of Brownstown,"

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which was read and committed to a Committee of the Whole. The report is as follows:

That the roads contemplated by the said treaty have for their object the opening a communication by land between the Territory of Michigan and the different settlements in the State of Ohio, and generally with the other parts of the United States. A view of the geographical position of the Territory of Michigan, situate as it is, bordering for a considerable extent on the British provinces of Upper Canada, bounded on the east, north, and west, by water, and on the south by an extensive tract of country to which the Indian title remains unextinguished, convinces the committee of the utility and necessity of the proposed roads. They would subserve to the convenience of the citizens in their ordinary intercourse; of the Government in the transportation of the public mail; and, especially in an emergency, would be necessary for military operations.

The distance from the rapids of the Miami of the lakes to the Western boundary of the Connecticut Reserve is about thirty-five miles; and from the lower Sandusky, in a southwarily direction, to the old Indian boundary line, is about seventy miles; making proper allowance for windings in the roads, so that they may be made on the best ground. The aggregate length of road proposed to be made may be estimated at one hundred and twenty miles; but, however great the advantage, and immediate the necessity of these roads, it is not probable that the object will be accomplished for many years to come, unless the United States provide the funds. The Territory of Michigan is destitute of the means, and the proposed roads are without the limits of her territorial jurisdiction; the State of Ohio, with limited public resources, and multiplied demands for extensive improvements on the roads within her settlements; it is not to be expected that either will afford the funds necessary to accomplish the proposed object. The committee are of opinion that provision ought to be made for laying out and making the said roads, and that they ought to be located of the width proposed by the said treaty.

The House again resolved itself into a Committee of the Whole on the report of the Committee of Elections on the petition of John Taliaferro, contesting the election of JOHN P. HUNGERFORD. Before any decision was had, the Committee rose, and the House adjourned.

FRIDAY, November 29.

The House took up the resolution submitted on the 26th, calling on the Executive for information respecting impressments, which was agreed to; and Mr. LITTLE and Mr. REED appointed a committee to present the same to the President.

The House proceeded to consider the amendments of the Senate to the bill "extending the time for opening the several land offices in the Territory of Orleans;" which were, together with the bill, committed to the Committee on Public Lands.

FOREIGN RELATIONS.

Mr. PORTER, from the Committee on Foreign Relations, made the following report, which was referred to a Committee of the Whole:

The committee to whom was referred that part of the President's Message which relates to our foreign affairs, beg leave to report in part:

That they have endeavored to give to the subject submitted to them that full and dispassionate consideration which is due to one so intimately connected with the interest, the peace, the safety, and the honor of their country.

Your committee will not encumber your journals, and waste your patience with a detailed history of all the various matters growing out of our foreign relations. The cold recital of wrongs; of injuries and aggressions known and felt by every member of this Union, could have no other effect than to deaden the national sensibility, and render the public mind callous to injuries with which it is already too familiar.

Without recurring, then, to the multiplied wrongs of partial or temporary operation, of which we have so just cause of complaint against the two great belligerents, your committee will only call your attention, at this time, to the systematic aggression of those Powers, authorized by their edicts against neutral commerce—a system, which, as regarded its principles, was founded on pretensions that went to the subversion of our national independence; and which, although now abandoned by one Power, is, in its broad and destructive operation, as still enforced by the other, sapping the foundation of our prosperity.

It is more than five years since England and France, in violation of those principles of justice and public law, held sacred by all civilized nations, commenced this unprecedented system by seizing the property of the citizens of the United States, peaceably pursuing their lawful commerce on the high seas. To shield themselves from the odium which such outrage must incur, each of the belligerents sought a pretext in the conduct of the other—each attempting to justify his system of rapine as a retaliation for similar acts on the part of his enemy. As if the law of nations, founded on the eternal rules of justice, could sanction a principle, which, if ingrafted into our municipal code, would excuse the crime of one robber, upon the sole plea, that the unfortunate object of his rapacity was also a victim to the injustice of another. The fact of priority could be true as to one only of the parties, and whether true or false, could furnish no ground of justification.

The United States thus unexpectedly and violently assailed by the two greatest Powers in Europe, withdrew their citizens and property from the ocean: and cherishing the blessing of peace, although the occasion would have fully justified war, sought redress in an appeal to the justice and magnanimity of the belligerents. When this appeal had failed of the success which was due to its moderation, other measures, founded on the same pacific policy, but applying to the interests instead of the justice of the belligerents, were resorted to. Such was the character of the non-intercourse and non-importation laws, which invited the return of both Powers to their former state of amicable relations, by offering commercial advantages to the one who should first revoke his hostile edicts, and imposing restrictions on the other.

France, at length, availing herself of the proffers made equally to her and her enemy, by the non-importation law of May, 1810, announced the repeal, on the first of the following November, of the decrees of Berlin and Milan. And it affords a subject of sincere congratulation to be informed, through the official organs of the Government, that those decrees are, so far at least as our rights are concerned, really and practically at an end.

It was confidently expected, that this act on the part of France would have been immediately followed by a revocation on the part of Great Britain of her Orders in Council. If our reliance on her justice had been impaired by the wrongs she had inflicted, yet, when she had plighted her faith to the world that the sole motive of her aggression on neutral commerce was to be found in the Berlin and Milan decrees, we looked forward to the extinction of those decrees, as the period when the freedom of the seas would be again restored. In this reasonable expectation we have, however, been disappointed. A year has elapsed since the French decrees were rescinded, and yet Great Britain, instead of retracing *pari passu* that course of unjustifiable attack on neutral rights, in which she professed to be only the reluctant follower of France, has advanced with bolder and continually increasing strides. To the categorical demands lately made by our Government for the repeal of her Orders in Council, she has affected to deny the practical extinction of the French decrees, and she has, moreover, advanced a new and unexpected demand, increasing in hostility the orders themselves. She has insisted, through her accredited Minister at this place, that the repeal of the Orders in Council must be preceded, not only by the practical abandonment of the decrees of Berlin and Milan, so far as they infringe the neutral rights of the United States; but by the renunciation on the part of France, of the whole of her system of commercial warfare against Great Britain, of which those decrees originally formed a part.

This system is understood to consist in a course of measures adopted by France and the other Powers on the Continent subject to, or in alliance with her, calculated to prevent the introduction into their territories of the produce and manufactures of Great Britain and her colonies; and to annihilate her trade with them. However hostile these regulations may be on the part of France towards Great Britain, or however sensibly the latter may feel their effects, they are, nevertheless, to be regarded only as the expedients of one enemy against another, for which the United States, as a neutral Power, can, in no respect, be responsible; they are, too, in exact conformity with those which Great Britain has herself adopted and acted upon in time of peace as well as war. And it is not to be presumed that France would yield to the unauthorized demand of America what she seems to have considered as one of the most powerful engines of the present war.

Such are the pretensions upon which Great Britain founds the violation of the maritime rights of the United States—pretensions not theoretical merely, but followed up by a desolating war upon our unprotected commerce. The ships of the United States, laden with the products of our own soil and labor, navigated by our own citizens, and peaceably pursuing a lawful trade, are seized on our own coasts, at the very mouths of our harbors, condemned and confiscated.

Your committee are not, however, of that sect whose worship is at the shrine of a calculating avarice. And while we are laying before you the just complaints of our merchants against the plunder of their ships and cargoes, we cannot refrain from presenting to the justice and humanity of our country the unhappy case of our impressed seamen. Although the groans of these victims of barbarity for the loss of (what should be dearer to Americans than life) their liberty; although the cries of their wives and children

in the privation of protectors and parents, have, of late, been drowned in the louder clamors at the loss of property; yet is the practice of forcing our mariners into the British navy, in violation of the rights of our flag, carried on with unabated rigor and severity. If it be our duty to encourage the fair and legitimate commerce of this country by protecting the property of the merchant; then, indeed, by as much as life and liberty are more estimable than ships and goods, so much more impressive is the duty to shield the persons of our seamen, whose hard and honest services are employed equally with those of the merchants in advancing, under the mantle of its laws, the interests of their country.

To sum up, in a word, the great causes of complaint against Great Britain, your committee need only say, that the United States, as a sovereign and independent Power, claim the right to use the ocean, which is the common and acknowledged highway of nations, for the purposes of transporting, in their own vessels, the products of their own soil and the acquisitions of their own industry, to a market in the ports of friendly nations, and to bring home, in return, such articles as their necessities or convenience may require—always regarding the rights of belligerents, as defined by the established laws of nations. Great Britain, in defiance of this incontestable right, captures every American vessel bound to, or returning from, a port where her commerce is not favored; enslaves our seamen, and in spite of our remonstrances, perseveres in these aggressions.

To wrongs so daring in character, and so disgraceful in their execution, it is impossible that the people of the United States should remain indifferent. We must now tamely and quietly submit, or we must resist by those means which God has placed within our reach.

Your committee would not cast a shade over the American name by the expression of a doubt which branch of this alternative will be embraced. The occasion is now presented when the national character, misunderstood and traduced for a time by foreign and domestic enemies, should be vindicated. If we have not rushed to the field of battle like the nations who are led by the mad ambition of a single chief, or the avarice of a corrupted court, it has not proceeded from a fear of war, but from our love of justice and humanity. That proud spirit of liberty and independence which sustained our fathers in the successful assertion of their rights against foreign aggression is not yet sunk. The patriotic fire of the Revolution still burns in the American breast with a holy and unextinguishable flame, and will conduct this nation to those high destinies which are not less the reward of dignified moderation than of exalted valor.

But we have borne with injury until forbearance has ceased to be a virtue. The sovereignty and independence of these States, purchased and sanctified by the blood of our fathers, from whom we received them, not for ourselves only, but as the inheritance of our posterity, are deliberately and systematically violated. And the period has arrived, when, in the opinion of your committee, it is the sacred duty of Congress to call forth the patriotism and resources of the country. By the aid of these, and with the blessing of God, we confidently trust we shall be enabled to procure that redress which has been sought for by justice, by remonstrance, and forbearance, in vain.

Your committee, reserving for a future report those

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ulterior measures, which, in their opinion, ought to be pursued, would, at this time, earnestly recommend, in the words of the President, "that the United States be put into an armor and attitude demanded by the crisis, and corresponding with the national spirit and expectations." And, to this end, they beg leave to submit, for the adoption of the House, the following resolutions:

1. *Resolved*, That the Military Establishment, as authorized by the existing laws, ought to be immediately completed by filling up the ranks, and prolonging the enlistment of the troops; and that to encourage enlistment, a bounty in lands ought to be given in addition to the pay and bounty now allowed by law.

2. That an additional force of ten thousand regular troops ought to be immediately raised to serve for three years; and that a bounty in lands ought to be given to encourage enlistments.

3. That it is expedient to authorize the President, under proper regulations, to accept the service of any number of volunteers, not exceeding fifty thousand; to be organized, trained, and held in readiness to act on such service as the exigencies of the Government may require.

4. That the President be authorized to order out, from time to time, detachments of the militia, as in his opinion the public service may require.

5. That all the vessels now in service belonging to the Navy, and worthy of repair, be immediately fitted up and put in commission.

6. That it is expedient to permit our merchant vessels, owned exclusively by resident citizens, and commanded and navigated solely by citizens, to arm, under proper regulations, to be prescribed by law, in self-defence, against all unlawful proceedings towards them on the high seas.

CONTESTED ELECTION.

The House resumed the consideration of the unfinished business, viz: the report of the committee on the petition of John Taliaferro, contesting the election of JOHN P. HUNGERFORD, which said report is as follows:

The Committee of Elections, to whom was referred the petition of John Taliaferro, contesting the election of John P. Hungerford, returned, as one of the Representatives for the State of Virginia, in the present Congress, and praying to be admitted in his stead, have had the said petition under consideration, and report, in part,

That, at the last General Election in Virginia for Representatives to Congress, the said John Taliaferro and John P. Hungerford were opposing candidates in the district composed of the counties of Westmoreland, Richmond, Lancaster, Northumberland, King George, and Stafford: from the polls of the several counties, the sitting member appears to have obtained a majority of six votes in the district, and he was accordingly returned as elected.

That of the polls taken for the county of Westmoreland, John Taliaferro had 37 votes and John P. Hungerford 316 votes; and that, on comparing the poll with the land list of the year 1810, and taking the list as a test, it appears to the committee that 9 persons who voted for the former, and 162 persons who voted for the latter gentleman, were not qualified to vote.

That of the polls taken for the county of Richmond, Mr. Taliaferro had 103 votes, and Mr. Hungerford 130 votes; and that, on such comparison as aforesaid, 12

persons who voted for the former, and 38 persons who voted for the latter gentleman, appear not to have been legally qualified voters.

That of the polls taken for the county of Lancaster, Mr. Taliaferro had 122 votes and Mr. Hungerford 96 votes; and that on such comparison as aforesaid, 20 persons who voted for the former gentleman, and 20 persons who voted for the latter, appear not to have been legally qualified voters.

That of the polls taken for the county of Northumberland, Mr. Taliaferro had 228 votes and Mr. Hungerford 75 votes; and that on such comparison as aforesaid, 35 persons who voted for the former gentleman, and 1 person who voted for the latter, appear not to have been legally qualified voters.

That of the polls taken for the county of King George, Mr. Taliaferro had 114 votes and Mr. Hungerford 125 votes; and that, on such comparison as aforesaid, 38 persons who had voted for the former gentleman, and 50 persons who voted for the latter, appear not to have been legally qualified voters.

That of the polls taken for the county of Stafford, Mr. Taliaferro had 159 votes and Mr. Hungerford 26 votes; and that, on such comparison as aforesaid, 29 persons who voted for the former gentleman, appear not to have been legally qualified voters.

The result of such examination and comparison is, that deducting from both polls the persons challenged, who do not appear to have been qualified to vote according to the land lists of 1810, Mr. Taliaferro has a majority over Mr. Hungerford of 121 votes.

The committee further report, that on the 7th day of May last, the petitioner gave notice to the sitting member of his intention to contest the election, on the ground that the former had a majority of the legal and qualified votes, and that such notice was accompanied by a list of the persons challenged by the petitioner, with his objections to them. On the 28th of May, the sitting member furnished the petitioner with a list of the persons challenged by him, setting forth his objections against such voters. These lists contain, as well the names of the persons who the committee find not to be on the land lists, as others who are challenged by the parties for the want of the freehold qualification, and for other causes.

That on the 27th day of September last, the petitioner gave notice in writing, subscribed by him, to the sitting member, that testimony would be taken in relation to the present controversy, and to be used in the decision of the same, at King George court-house on the 10th; at Westmoreland court-house on the 17th; and at Richmond court-house on the 22d of October; and that the petitioner, agreeable to such notice, has taken sundry depositions, which are now before the committee; but the sitting member did not attend such examination, for reasons stated by him in a protest which he caused to be delivered to the petitioner.

The committee further state, that they made the comparison of the polls with the land lists, at the particular request of the petitioner, and for the purpose of reducing the controversy before them as much as possible; and that they were induced to this course from adopting as a principle, that, according to the laws of Virginia, the land list of the year prior to the election is, in the first instance, to be received as evidence of all the freeholders in the county: but this evidence they conceive, and so it was admitted by the parties, is only conclusive in the absence of all other evidence; and they accordingly are of opinion, that it is competent for

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the parties to show, by other testimony, that persons appearing on the land list are not freeholders, and thus not entitled to vote; and on the other hand that persons not appearing on the land lists are freeholders and voters.

The sitting member, before such examination was gone into, asked for time to take testimony, under the conviction that in a reasonable period, to be fixed by the committee, he would be able, by evidence to be taken, to support his challenges and his poll, and he still requests such time to be allowed to him: the petitioner, on the other hand, has at all times opposed such request, on the ground that the sitting member has had sufficient time, since he was apprized that the election would be contested, to procure his testimony.

The committee are aware that some inconvenience must arise to the petitioner, if this contest is laid over for any time; but they think the right of suffrage ought not to be hazarded or destroyed on account of any individual inconvenience. If there has not been gross neglect in the sitting member, the committee conceive that it is due to the electors of the district who polled for him, and to himself, not to hurry his case to a decision without affording them and him an opportunity to make good the election, if they can do it.

It has already been stated, that the petitioner gave notice of his intention to contest the election, to the sitting member, on the 7th of May; and this the former contends was sufficient to put the latter to the task of collecting and arranging his proof; your committee see, however, that this proceeding was modelled on the laws and usages of Virginia, and according to them it is regarded as a mere incipient step, calling for no proceeding from the other party. Such a notice on the heel of a contested election, is an index to the feelings of the person giving it, but not always the proof of a settled determination. As the period of the election recedes, and the difficulties attending a canvass become more apparent, the unsuccessful candidate sometimes abandons his notice and his scrutiny. It ought not, therefore, to be required of the person returned, for such cause alone, to wade through all the trouble, difficulty and expense of a tedious examination, while it remains doubtful whether his opponent will proceed: it is surely in season to begin to take defensive testimony when the opposing party has commenced the investigation.

The notice given by the petitioner on the 27th of September, for the examinations on the 10th, 17th, and 22d of October, the committee have accordingly regarded as the first efficient measure towards the scrutiny, and they are satisfied that in a district composed of six counties, and in a case where the votes challenged exceeded four hundred, it was not practicable for the sitting member to take his testimony in season for the commencement of this session. A notice given by him after the 29th of September, would not have been deemed reasonable for an earlier day than the 10th of October; nor would it have been allowed in him to call the petitioner from his own examinations, which were to continue until after the 22d of October: after the 22d of October, it is not possible to conceive that the sitting member could procure his evidence, allowing him time before the first day of the session to travel to the seat of government.

The committee, in addition to the facts already stated, report, that it appears to them that on the 29th day of April last, being the day of the canvass, the petitioner procured the certificates, under oath, of two of the

sheriffs and two of the deputy sheriffs who attended to compare the polls, that if an equality of votes had appeared, they would have voted for the petitioner, which certificate was transmitted by the magistrate, before whom it was attested, to the clerk of this House, at the request of Mr. Taliaferro, to be retained until called for by him.

This, the petitioner alleges, ought to be regarded as the commencement of his testimony, and contends that it not only advertised the sitting member that his seat would be contested, but made it necessary for him forthwith, and without further notice or act on the part of the petitioner, to proceed to his examinations. The committee, however, have nothing before them which goes to show distinctly the object of the petitioner in procuring the certificate; nor can they, in any point of view, consider it as such a prelude to the scrutiny as to require from the sitting member that he should proceed to his canvass.

The committee, therefore, upon a view of all the circumstances of the case, are of opinion, that further time ought to be granted to the sitting member to procure testimony, and they accordingly submit the following resolution:

Resolved, That a reasonable time be allowed to John P. Hungerford, a member of this House, to procure testimony relative to his election, and that the Committee of Elections have power to examine witnesses, and to make order for such examinations in the case of the said election.

WESTMORELAND COUNTY, April 29, 1811.

SIR: The enclosed document was taken, signed, and sworn to, by the subscribing gentlemen, in the presence of John Taliaferro, Esq., General Hungerford, and myself, at a meeting of the sheriffs at Westmoreland court-house, for the purpose of comparing the Congressional poll for the counties of Stafford, King George, Westmoreland, Richmond, Lancaster, and Northumberland; and which paper I herewith transmit to you, at the request of Mr. Taliaferro, to be retained by you until called for by him.

I am, sir, yours, &c.

THOMAS ROWAND.

PATRICK MACRUDER, Esq.,
Clerk of the House of Reps., U. S.

We, the undersigned sheriffs, who have assembled at Westmoreland court-house, on the 29th day of April, 1811, to count and compare the polls taken in our respective counties for a delegate to serve in the House of Representatives for the Congress of the United States, do certify that, if an equality of votes had appeared on the whole of the poll, we should have voted in the following manner:

Richard Claughton, deputy sheriff for Thomas Hurst, sheriff of Northumberland, should have voted for John Taliaferro. William S. Sterne, deputy sheriff for Enoch Mason, sheriff of Stafford, should have voted for John Taliaferro. J. Diggs Dishman, sheriff of King George, would have voted for John Taliaferro. Joseph Carter, jun., sheriff of Lancaster, would have voted for John Taliaferro.

STATE OF VIRGINIA, *Westmoreland county, to wit:*

This 29th day of April, 1811, the aforesaid Richard Claughton, William S. Sterne, James D. Dishman, and Joseph Carter, jun., made oath before me, a justice of the peace for said county, that they would have given their vote in the manner as above stated by them. Given under my hand the day and year above.

THOMAS ROWAND.

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STATE OF VIRGINIA, *Westmoreland county, set :*

I, Joseph Fox, clerk of the court of Westmoreland county, qualified according to law, do certify that Thomas Rowand, whose name is subscribed within, was, at the time of taking the affidavit to which his name is subscribed, and is now, an acting justice of the peace for said county, duly commissioned and qualified according to law, and that due faith and credit ought to be given to all his acts as such.

In testimony whereof, I have hereunto set my hand, and affixed the public seal of my office, this thirteenth day of April, in the year of our Lord one thousand eight hundred and eleven, and of the Commonwealth of Virginia the thirty-fifth.

JOSEPH FOX, C. W. C.

KING GEORGE, *May 4, 1811.*

SIR: Be pleased to take notice, that I shall, on the meeting of the next Congress of the United States, contest your election to represent the counties of Westmoreland, Richmond, Lancaster, Northumberland, King George, and Stafford, in that body, on the ground that you did not, at the last election, obtain a majority of the electors of the said district who were legally qualified to vote for a Representative to Congress. And I shall further make it appear, if necessary, that your election has been contrary to law, and, finally, that I shall claim the right to represent the said district, in virtue of my having obtained over you a majority of the votes of the electors thereof who were duly and legally authorized to vote in the election. Below you will find a list of the names of the persons from the several counties in the said district, who voted for you, to whose votes I object as not being legal, and my particular objections to the legality of each person's vote are placed opposite to each of their names.

I am, respectfully, your obedient servant, &c.

JOHN TALIAFERRO.

General JOHN P. HUNGERFORD.

[Here follows the list of 304 names.]

SIR: Below you will find a list of the names of the persons from the several counties composing the Congressional district for which I have been elected, who voted for you to represent the said district in the Congress of the United States, to whose votes I object as being illegal; and opposite to the name of each voter so objected to by me you will find my particular objection to the legality of the vote.

Yours, respectfully,

JOHN P. HUNGERFORD.

Mr. JOHN TALIAFERRO.

[Here follows the list of 189 names.]

WESTMORELAND COUNTY, *to wit :*

On this day Henry Hungerford personally appeared before me, James Miller, a justice of the peace in and for the aforesaid county, and made oath that, on the 24th day of May, he delivered to John Taliaferro, Esq., a true copy of the foregoing writing. Certified this 30th day of October, 1811.

JAMES MILLER.

SEPTEMBER 25, 1811.

SIR: Be pleased to take notice, that I shall, at King George court-house, on the 10th day of October next, and at Westmoreland court-house, on the 17th of the same month, and at Richmond court-house, on the 22d of the same month, proceed to take the evidence of sundry persons, to be used by me in the decision of the contest now depending between you and myself

for a seat in the next Congress of the United States, as the Representative of the district composed of the counties of Stafford, King George, Westmoreland, Richmond, Northumberland, and Lancaster; and that I shall proceed, at each of the above places, at the times above stated, to take evidence, and continue at each place, from day to day, to take evidence until the whole can be gone through with.

I am, sir, respectfully yours,

JOHN TALIAFERRO.

General JOHN P. HUNGERFORD.

STATE OF VIRGINIA, *King George County, set :*

Meriwether Taliaferro made oath before me, an acting justice of the peace for the aforesaid county, that he did, on the 27th of last month, (September,) deliver to General John P. Hungerford a notice, in writing, of which the within is a true copy. Given under my hand this 8th day of October, 1811.

ALEX. S. HOOE.

LEEDSTOWN, *October 9, 1811.*

SIR: I protest against the notices you have recently given me, to take depositions in three of the counties of the district, for the following reasons:

1st. There exists no law entitling you to give them, empowering a magistrate to administer the oaths, or to take the depositions providing an authority to decide incidental questions during an investigation, or enabling me to obtain the attendance of witnesses.

2dly. There does exist a law requiring my attendance in Congress on the 4th of November next, as the member returned for the district.

3dly. It is impossible for me to obey the existing law, and conform also to the mode you have adopted, without law, for scrutinizing the election. It terminated on the 22d of April. On the 4th of May you notified me, according to the law of Virginia in relation to State elections, of your intention to dispute my election, and furnished me with lists of votes you objected to, in each of the six counties composing the district; and I furnished you with similar counter-lists, according to the same law. Recently you have given me notice of an intention to take depositions in three of those counties, on the 10th, 17th, and 22d of this month; reserving an equal power to exhaust the month of November in the other three, in the same way, before I can be apprized of the nature of your exceptions, or the evidence necessary to meet them. This ingenious management for pushing the scrutiny beyond, or far into, the session of Congress, makes it impossible for me both to obey the law requiring my attendance during this period, and to obey your future notices; or to avail myself of a right of a personal attendance, without violating the right of my constituents to representation; and, however imperative the preference between these evils may be, in a case of necessity, I know not by what authority you can impose it.

4thly. Nor do the principles of reason and equity, in my view, militate less forcibly than those of law, against the mode of scrutiny you have attempted to prescribe. The notification, according to the State law, was also a notification of your intention to adopt its rules throughout. It enacts that scrutinies shall commence within two months of the election, and terminate thirty days before the ensuing session of Assembly. Your proposed commencement is near six months from the election, and the termination of the scrutiny, if I ought to be allowed as much time as you have exhausted and will exhaust, would

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probably go beyond, or deep into, the session of Congress. If, by your first notice, you can avail yourself of the letter or equity of the State law, your subsequent nonconformity to either was a notification to me of an abandonment of the scrutiny. If not, even your first notice was irrelative and void. But if its equity and justice is sustainable upon the moral authority of the law, the same authority is equally conclusive against the equity and justice of your lying by for near six months, and then attempting to compel the returned member to desert his constituents, or his defence. The object of the law you have adopted, and violated, was to prevent a mode of proceeding injurious to an individual or to the people; to the individual, from the decisive advantage his absence would give to an antagonist in the investigation of a multitude of distinct cases, as to which no agent could or would be sufficiently informed to do him justice; or to the people, from the loss of representation, or from receiving it rather from a scrutiny unequally conducted, than from their own suffrages.

Whatever might have been a proper line of conduct for me, had you continued to conform to the principles of our State law, I discover no obligation for conforming to a mode of scrutiny, prescribed only by yourself, contrary to those principles; because it appears to me to be warranted as little by justice as by law, to correspond with no principle countenanced, or likely to be countenanced, by either, and to be at least as liable to be rejected on my part before I had adopted it, as the State mode can be on yours after you had done so. I cannot, therefore, in justice to the district, or to myself, perform any act from which could be inferred a submission to the unauthorized system you have adopted, nor allow any validity to the affidavits you may take in pursuance thereof.

I am, sir, respectfully, yours, &c.

JOHN P. HUNGERFORD.

OCTOBER 12, 1811.

This extraordinary paper, so full of truism and sophism, whether it be considered as a serious protest, or as an indirect mode of popular wheedling, was received by me on or about the 11th instant, (October.) I certainly never meant to act under either of the laws referred to in the paper; the State law, regulating its own proceedings on contested elections, had no application; and the law of Congress, on a like subject, had, long ago, expired. What might possibly be the "moral authority," mentioned in the paper, of a foreign, a repealed, or of an expired law, in the case, I cannot undertake to say. I considered that the House of Representatives, both from the nature of the case, and from the positive words of the Constitution, had full power to judge of the elections, qualifications, and returns of their own members; that so general a grant of power necessarily implied a great range of discretion in respect to evidence; that, from the commencement of the Government to January, 1798, and from April, 1804, to the present day, no act of Congress had existed regulating contested elections; that, in those periods of time, elections had been contested and decided on almost every point that admits of contest. I therefore, without reference to any past law, endeavored to procure sufficient testimony on the general principles which are adopted in courts of law where affidavits are received in place of the oral testimony of witnesses present. I meant, at the earliest day, to submit the testimony I had, with deference, to the Committee of Elections, to solicit their earliest attention to its suffi-

ciency in point of form, and their instructions as to what other sort of testimony they might require, that I might, in the speediest way, perfect the one and procure the other.

JOHN TALIAFERRO.

WASHINGTON, November 19, 1811.

The petitioner, in answer to the objections of Mr. Hungerford, the sitting member, to the admission in evidence of the notice and affidavits produced by the petitioner in support of the allegations in his petition, respectfully represents to the Committee of Elections, that, though no law of the United States, or of the State of Virginia, exists, prescribing the mode of taking evidence in contested elections like the present, yet it has been the settled practice of Congress, since the law of the United States on that subject expired, to receive the evidence of either party, taken conformably to the laws and general usage of the State to which they belong, requiring always that reasonable notice be given to the adverse party of time and place, that he may attend and cross-examine the witnesses, if he thinks proper. The petitioner, therefore, submits to the committee, whether the notices given by him, and the evidence taken, do not come within the established practice of Congress, so as to render them admissible on the present occasion. With regard to the suggestion of the sitting member, that he has not had time to collect and prepare the evidence in support of his return, the petitioner begs leave to state the following facts: 1st. That the election closed on the 29th day of April last, at which time the petitioner declared to the sitting member his intention to contest the election; and did, in the presence of the sitting member, cause the affidavits of four persons to be taken and transmitted to the Clerk of the House of Representatives, to be used as evidence in the controversy. 2d. That, on the 7th day of May, he caused to be delivered to the sitting member a notice in writing, stating more fully the intention of the petitioner to contest the election; annexed to which notice was a list of the names of all the voters on the polls of the sitting member objected to by the petitioner, and a specification of the particular ground of objection to each voter. And, 3dly. That the petitioner did, on the 27th of September, give the sitting member notice of the times and places when and where the testimony of the witnesses proposed to be examined by the petitioner would be taken; during the whole of which time the sitting member made no effort either to controvert the evidence adduced by the petitioner, or to show that, according to the constitution or laws of Virginia, those voters to whom the petitioner had objected were entitled to the right of suffrage; nor has he alleged a single reason why he could not have availed himself of such testimony, if it existed, at the opening of the present session of Congress.

If there is a point which the sitting member can establish to change the aspect of the case, or if it be in his power to countervail the evidence before the committee so as to produce a result in his favor, the petitioner demands an exposition of that point, and a disclosure of the evidence upon which the sitting member will rely to effect that object. The question will then be fairly presented to the view of the committee, and they can determine whether the evidence, which the sitting member supposes to be material, might not have been obtained, with proper exertion, anterior to the meeting of Congress; whether due diligence has been used by him for that purpose, and, if not, from what

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cause the neglect has arisen; and finally, whether the proof which the sitting member imagines to exist would, if it were before the committee, be sufficient to sustain the validity of his election. The petitioner begs leave to refer the committee to an attentive examination of the Constitution and laws of Virginia establishing the right of suffrage. From these it will appear that every male citizen of the State, (other than free negroes and mulattoes,) aged twenty-one years, who is possessed of a freehold estate at the least, or who is tenant for life, in a quantity of land, if improved, equal to twenty-five acres, or fifty acres of unimproved land, or of a lot or part of a lot in any town established by law, and who shall have been so possessed six months, unless the same shall be derived by marriage or by descent, and none others, shall be entitled to vote for Representatives to the General Assembly. It is also provided by a law of the State that one or more commissioners of the revenue shall be annually appointed by the court of each county, whose especial duty it shall be to register, in alphabetical order, in a book called the land-book or list, the name of each and every landholder in his county; and for the better execution of which, it is provided, by law, that each person shall annually, on oath, give a true and exact account of all lands and other property of which he is possessed, to be entered on the book or the list of the said commissioner. This land list is, by express statute, made conclusive evidence for and against sheriffs in the collection of the land tax. It is, by law, evidence for or against persons who omit or refuse to vote at elections for Representatives to the State Legislature or to Congress. By law, it is the test by which to try the competency of grand jurors, as none but freeholders are allowed to be grand jurors. It has been the immemorial usage of the Legislature of Virginia to resort to the land list as the most satisfactory proof in contested elections, and their decisions, in cases similar to the one before the committee, have uniformly been in favor of the candidate having on his poll a majority of votes supported by such list. From this view of the laws and usages of Virginia, the committee will readily perceive that great credit is due to the land list, as a list of the qualification of voters; and the petitioner feels confident that it will be received by the committee as conclusive evidence in the case under consideration, unless other testimony, equally respectable, should be adduced to support the pretensions of the sitting member. Apply this list to the poll of each party, and it is a fair inference, that, out of any given number of votes divided between them, its operation would diminish the votes of each in equal proportions.

The petitioner humbly conceives that the proposition of the sitting member for further time to collect his evidence, is supported neither by reason nor precedent.

It would seem to be unnecessary, after the solemn decision of the House of Representatives in the case of Baylies and Turner, to enter into any general reasoning upon this subject. In the case referred to, an application for further time was refused, notwithstanding the sitting member declared it would be in his power to produce, on a subsequent day, material evidence, of which he had not previously known. But, without the aid of this adjudication, such an indulgence is manifestly inconsistent with the plainest dictates of justice, and the most familiar maxims in every judicial tribunal. If, indeed, the sitting member can show to the committee that the evidence he is in search of was not in his possession or power at any former period,

that it is material to the support of his claim to a seat in the House of Representatives of the United States, and that he has made use of every reasonable diligence to obtain the same in due time without effect, the petitioner would not contest the propriety and fairness of suspending, for a limited time, a final determination of the present controversy. But, on the contrary, it is manifest to the committee, that all the means in the power of the petitioner to prosecute the inquiry, on his part, were equally open to the sitting member, to prepare for his defence; that, immediately after receiving the notification, as early as the 7th of May last, that his election would be contested, it was the incumbent duty of the sitting member, without waiting for further steps to be taken by the petitioner, to have met the objections made by the petitioner to the voters specifically named, and to show the basis on which their right to vote rested. Such a course was due to himself, if he believed the evidence for that purpose was in existence; it was due also to the respect which ought, on all occasions, to be evinced for the honorable body of which he was returned a member, and before whom his case was to be heard. Regardless of these considerations, and of the right of the petitioner to demand, in behalf of the electors of his district, a speedy decision of a case involving their dearest interests, the sitting member has suffered six months to elapse without even an attempt to obtain that evidence which he now pretends to be so essential in his defence. He has appeared before the committee, not for the purpose of making his defence, but to be relieved from that unpleasant task; the committee are gravely asked to reward his negligence by granting a delay, which, in all human probability, will amount to a virtual confirmation of his seat. The sacred right of representation in the Legislature, at this critical and important juncture of our national concerns, ought not to be arrested from a portion of the American people, upon pretexts which are not supported by facts or circumstances, and which, if true in their fullest extent, would fail of producing any material change in the result of the present investigation. To demonstrate the accuracy of this proposition, the petitioner begs leave to refer the committee to the extraordinary augmentation of votes in the county of Westmoreland, by which it will appear that one hundred and sixty-two votes, not enrolled on the land list, were given to the sitting member in that county, being more by twenty-eight than are excluded from the entire poll of the petitioner, by the application of the land list as a test to his poll taken for the six counties composing the district; in addition to which, the sitting member received a very large proportion of bad votes in the other counties.

From these premises, which are supported by the strongest proofs in the possession of the committee, the conclusion is irresistible, that, admitting the sitting member to sustain every objection which he has made to the poll of the petitioner, he would fall very far short of raising his number to a legitimate majority of the district. The petitioner, therefore, with due deference to the opinion of the committee, can perceive no possible benefit to be derived from an enlargement of the time for taking testimony.

Such a course might, and most probably would, enable the petitioner to increase the majority of constitutional suffrage to which he is entitled, but it could not most assuredly lessen them into a minority. Deeply impressed by the foregoing considerations, and with the important rights of his fellow-citizens involved in

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the issue of the question before the committee, the petitioner prays that his case may be considered and determined without further delay.

JOHN TALIAFERRO.

Mr. EMOTT addressed the Chair as follows :

Mr. Speaker : Before the question is taken on the resolution now before the House, I shall take the liberty of submitting a few remarks in explanation of the vote which I am about to give. I am aware that, from the time which has already been consumed in this discussion, the patience of the House is nearly exhausted, and it is therefore with great and unfeigned reluctance, that I rise to take part in the debate. The only considerations indeed which induce me to trouble you at this time, are, that I am a member of the Committee of Elections which reported the resolution, and that the grounds on which I agreed to the resolution in the committee, and which still retain their influence on my mind, have not been distinctly stated, and I fear are not perfectly understood.

It is not my intention to enter into the merits of the election, or to exhibit a scale of probabilities by which the House shall be enabled or called upon to judge of the possible result of this controversy. These topics appear to me to have nothing to do with the question of postponement ; and if we allow a hasty and half digested opinion with respect to the possible or the probable end of the dispute formed from documents not perfectly understood, or bottomed on the opinions of persons in whom we confide, to guide us, it is very much to be feared that we shall be misled. What, sir ! shall we, when a party requests time in a case like that now before us, in order to procure testimony—when he tells us that by such testimony he not only intends but expects to support his return and his right to a seat in this House—shall we turn round and tell him that we understand his case better than he does himself, and that as we are satisfied, he cannot make out his right, that we will not therefore give him time ? Is it true that we, who now for the first time have a view of the controversy, can be as competent to judge of it as one who was an actor in the scenes which led to it, and who has a precise and distinct recollection of everything that passed ? Or, will we suffer ourselves to believe that the request is made by the party, notwithstanding a conviction on his part that he must eventually and certainly be defeated ? Why, sir, it should be recollected that the taking of testimony must be attended with much trouble and expense, and it is idle to believe that a man will incur either without an object, and that this object is never defeat and disgrace.

The questions, Mr. Speaker, which on this application present themselves to my mind, are, whether there are any grounds to believe that if time is granted to the sitting member, he will be able to support his election, and whether he has been guilty of such neglect as justly to deprive him of the right to be farther heard. On these questions I shall proceed to offer a few desultory remarks,

pledging myself at the same time to be as brief as possible.

As to the first, it appears to me that the poll itself furnishes a strong ground to presume that the return may be supported. When an election is contested here, the controversy partakes of the nature, if it does not absolutely assume the form, of an appeal against the return ; and as we may go behind the return, it is quite obvious that in deciding on the main question whether we shall reverse or affirm the judgment of the returning officers, the return ought not to be received as evidence. But this does not hold with respect to collateral questions. And on this occasion, I think it is fairly to be presumed, that the person whose vote was taken, had a right to vote, so far forth as to entitle the party who claims the benefit of it to time, to make out the fact.

Let me remark, sir, that the election is not only public, but held in the place where the elector is known. It is not extremely probable, though it is certainly sometimes the case, that a person who knows himself not to be qualified will present himself at the hustings. Surrounded, as he must be, and as he knows himself to be, by his neighbors and acquaintances, who have a knowledge of his state and condition in life—liable as he is to be challenged and abused for attempting to exercise a right which does not belong to him, and which in the exercise gives to him no personal benefit or advantage, and in most cases subjects him to considerable inconvenience, it is not to be presumed, when he has voted, that he was not legally qualified to vote. The presumption that he had the right, is fortified by the consideration that the presiding officer, the sheriff, (I speak in relation to this case, and of the elections of Virginia,) not only has a right to judge, but, by law and by oath, is bound to judge of the qualifications of the electors, and not to admit illegal votes. In doing this, he is not only guided by what has taken place at former elections, and his knowledge of the country, which is necessarily extensive, but by the land-list of the county, which he is bound to have before him. Is not then the conclusion strong, that the person who offers himself to vote, and whose vote is accepted by the sheriff, has the right to vote ?

Again, sir—and let it still be recollected that I am speaking of Virginia elections—the votes are given in the presence of the candidates, their friends and partisans. There is no want of knowledge or information then as to the persons who offer to vote ; and if there exists any doubt as to the right, the candidate or his agent has by law the privilege of challenging, and the elector has then to swear to his qualification. Now, in an election so warmly contested as was this—in which the feelings of the electors and candidates appear to have been so much engaged, when it was known, too, that the majority on either side could not be large—is it to be presumed that many bad votes were taken ? or, is not the presumption a fair and natural one, that the persons recognised by the sheriff as qualified voters, and not objected

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to by the parties or the county, were legally entitled to vote?

But, Mr. Speaker, there is another ground for believing that the election may be supported, which, as to this application, appears to me absolutely conclusive. An honorable gentleman from Virginia, (Mr. GHOLSON,) who is not only against giving time, but has offered a resolution for vacating the seat of the sitting member without further information or inquiry, has mentioned the case of a contested election from Massachusetts, between Baylies and Turner, in which the sitting member also asked time; and has remarked, that he put the question distinctly, whether the member believed in case time was given him, he would be able to support the return, meaning to be governed by the answer he should receive; and that, as the sitting member would not say that such was his belief, he voted against a postponement. It is not my wish to remark at this time on that case, as my opinion respecting it is sufficiently known by the part I took in the debate; but I will ask if the gentleman would thus have been satisfied in that case, what ought to be the course adopted now?

The sitting member, when before the Committee of Elections, declared, and the members of the committee certainly gave credit to the declaration as far as respects the belief of the member, that he did not doubt but that he would be able, if time was granted him, to support his election; and the committee have accordingly, in their report, stated that the sitting member requested time, under the conviction that he would be able to substantiate his poll and his challenges. Nor did I understand the petitioner, in opposing the application for time, as at all disputing the belief of the sitting member or requiring farther evidence of it. In addition to this, you have this day heard the sitting member in his place declare, in answer to a question put by an honorable gentleman from Kentucky, (Mr. McKEE,) that he is convinced he can support his return if you allow him time for such purpose. Now, sir, I will ask you if the simple declaration of a belief would have been satisfactory, how much more is the declaration of a settled conviction arising from a full and intimate knowledge of the whole controversy. And the House will permit me to ask what other evidence is wanted or ought to be required, on a question of postponement, that there are grounds to believe the election may be supported.

I am sensible, sir, it is contended that the comparison which has been made of the polls with the land lists, destroys this presumption. It is certainly advisable for a stranger to the State and laws of Virginia to approach these land lists cautiously, when he finds such a diversity of sentiment as to their influence and operation on elections, as in this debate we have witnessed in gentlemen of high standing from that State. A few remarks respecting them becomes however necessary.

The land lists, as I understand them, are statements made by Commissioners in each county of

the lands in their respective districts, liable to be rated with an account of the owners of the freehold as far forth as the Commissioners can ascertain them, and are corrected annually from an examination by the Commissioners of the transfers recorded in the office of the county clerk; the corrections take place in the Spring, and the list with its corrections is called the list of the year wherein the corrections were completed. These lists are made up for the purposes of taxation, and indeed are nothing more than assessment rolls; they ascertain the land rated and the tax to be paid, but to the proprietor, they give only the conjecture or opinion of the officer. A land list is not a record of the title, and it is accordingly understood, and so is the admission of the parties here, that it may be contradicted.

Let me now remind gentlemen that the land lists by which the comparison in this case was made were those of 1810, and which, therefore, in point of time, precedes the election by about a year; and they will permit me to ask whether it is possible that any evidence arising from such lists can destroy the presumption that the return may be supported if time is given. All the arrangements and dispositions within the year are necessarily excluded, and the persons who in such year by purchase, by marriage, by devise, and by descent, became freeholders and electors, are not to be found on the land lists. In a country like ours, where property finds new owners so frequently, it is easy to conceive that many persons not entitled to vote in 1811, may be found on the land list of 1810, and on the contrary, that many, very many persons not on such lists were entitled to vote. Nor is it true, that the Commissioners by searching the offices can with any great degree of certainty ascertain the freehold owners. I understood it not to be the practice to record leases for lives, which yet give the freehold qualification and are numerous in this very district. In purchases of the whole interest the only thing which creates a necessity of recording a conveyance, is to guard against future sales; as between the parties the deed is and always remains valid without being recorded, and in cases where the grantee has confidence in the grantor it frequently happens that the conveyance is never put on record. Whatever effect therefore the land lists may have on the final decision of this controversy, they ought not to be regarded in the determination of this collateral question.

But, sir, there is an additional consideration why the comparison should not in this case be allowed to have the decisive influence which some gentlemen are desirous to give it. It appears that the petitioner in making his challenges in the counties which gave a considerable vote for the sitting member, objected to every person who did not appear on the land list, and that the sitting member did not pursue this course; had the latter challenged at large and according to the land list, it is certain that difference could not have been by any means as great as it now appears. When gentlemen know this, and when they are informed that the committee in their

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examination of the land lists did not go beyond the challenges, will they yet say that the comparison reported is sufficient to destroy every presumption in favor of the return, and any expectation that it can be supported?

As to the question whether the sitting member has been guilty of such negligence as ought in justice to deprive him of the right of defence, I shall make but few remarks—I say the right of defence, because it is obvious that if time is not granted to procure testimony, the member is bound hand and foot and must be thrown out of his place—and here I may observe, that gentlemen go entirely out of the case when they reason on a delay which is to last until the end of the present session of this Congress. The committee has reported a reasonable time, and the time deemed reasonable by them and by the persons claiming it, is six weeks. It must also be recollected that this business was brought before the committee at an early day in the session, and that the time which has been taken up in the examination and bringing the case before the House, is to be laid wholly at the door of the petitioner. In saying this, I do not wish to be understood as casting any imputation on the petitioner, he certainly had a right to present the case to the committee and to the House in his own way, but it ought to be known that the time already consumed is not to be carried to the account of the sitting member: he at an early period asked for time, and if it had not been objected to by the petitioner, the examinations would now have nearly been ended.

A strong case ought surely to be made out before we bring ourselves to decide that the door shall be closed against the admission of material evidence which may be produced in so short a time. The controversy, sir, is not about a few cents in litigation before a country justice, but relates to the elective franchise and is conducted before the most august body in the nation. I mention this because gentlemen have reasoned as if we were trying an action in a court of law and were to be regulated by the rules of default: these analogies are worse than wrong—their tendency is to mislead. If any right has value in this country, and ought to be held dear by the people, it is the right of suffrage: it is on the due exercise of this right, that, under Providence, our Government depends. When this right is held in light estimation by the governors or governed our liberties are in danger. When therefore this House is passing upon a case in which the elective franchise is brought in question, it should proceed with great caution and less zeal for a speedy decision than a just one.

The consequences which may flow in this case from a determination not to grant time, ought to lead us to hesitate. If we proceed to judge from the comparison which has been made of the rolls with the land lists, and to set aside the return without giving the sitting member a chance to produce his evidence, we may, and probably will do wrong; whereas, if we give him time and do not decide until the case is matured and the parties have an opportunity to collect their proof, we

shall have the merits fully before us and will be able to do complete justice. We ought to reflect, also, that the candidates are not the only persons interested in this controversy; the electors of the district are also parties, and it is due to them that no testimony should be shut out. A decision after a fair hearing on full testimony ought to satisfy them, and I dare say will; but, sir, what will be the feelings of the electors who supported the sitting member and of his friends, when he returns shorn of his honors, and tells them that you have cast him from you because some of them could not be found on the land list, notwithstanding he offered to prove, if a few weeks were allowed him for the purpose, that they were legal voters; that in your great anxiety to have the district rightfully represented, you would not listen to his entreaties to grant him a short time to procure his testimony, under the most solemn pledges that delay was not his object, and that if he had been guilty of negligence, it was owing to want of information? We must not believe that the electors will be satisfied, or that they will think of our proceedings but with disgust. Rely upon it, sir, the warmth of feeling which caused so great a poll in this district has not yet subsided, and the cool reasoning and nice distinctions which have been used in this discussion will not satisfy the freeholder, who is in the full and quiet occupation of his plantation, that he has no right to vote; because he is not on the land list, or that it was just to take away his right of suffrage without allowing him an opportunity to produce his title to you.

Now, sir, on what is this charge of gross negligence founded, which is to put an end to all further inquiry? We find, by looking at the paper, that on the 7th of May, a few days after the election, the petitioner gave notice to the sitting member that he intended to contest the return, and served him with a list of the voters to whom he objected; not because they were not on the land lists, but because they were not freeholders, or were minors or black men. A few days after the sitting member furnished the petitioner with his list of objectionable voters. The petitioner after this remained inactive until the 27th of September, when he gave notice of his intention to take testimony in October. It was not pretended that if the sitting member was justified in lying still until he received the notice in September, that he has then had sufficient time: but it is alleged that he was bound to proceed on the notice of May, without any further evidence of the intention of the petitioner.

Whatever might have been the effect of the notice in May, in case the petitioner had in it placed his case in whole or in part on the land lists, I think that in justice and sound sense, the notice authorized by no law, and in its very terms looking to the testimony to be taken, ought not to be regarded as such a step as to put the sitting member to collecting his proof at all hazards and without delay. The member had the record of the canvass and the return, and until he found that the petitioner was about to invalidate them by

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proof, it surely could not be necessary for him to support them by proof. We too well understand the feelings of an unsuccessful candidate at the termination of a warmly contested election, to place the utmost reliance on a declaration that he will proceed to a scrutiny, when that scrutiny is to carry him from home, and to create much trouble and expense. And will we yet say that when such a declaration is made, the returned member is at his peril to collect his proof whatever trouble or expense he may incur by it? I beg gentlemen to reflect on the effect of establishing this as a principle in the case of contested elections. Is it not obvious that it may be made a weapon of oppression in the hands of every heated and disappointed candidate? He has only at the close of the election to give a notice, that costs him nothing, and although at the very time he does not intend to proceed to a scrutiny, yet his successful opponent, who cannot dive into his mind, must labor from that time forth to establish his election. If he fails to do so, and the losing candidate can, near the commencement of a session, procure some proof which casts a cloud over the election, or raises a presumption against the return, the whole state of things is varied. This is truly a discovery in elections, and may be called a plan for a minority to be made a majority, or how a man that is not elected by his district may be chosen for it by this House.

I shall press but one more consideration on the House. The sitting member declares that he did not know of any mode in which he could take testimony, and did not believe that it could be taken until some order was made here; that in the laws of Virginia he could find nothing which applied to his case, and that he found our statute respecting contested elections had long since expired. Is there any reason to disbelieve him? Let every newly returned member ask himself the question, whether his impressions until he came here were not the same; and is there not even some cause to believe, after all, that the conjecture was right? True it is, sir, that we have on one or two occasions received testimony under a kind of common law, which it seems we have on this subject, and this may have been made known to the petitioner as he has heretofore had a seat in this House; but it is not to be presumed that the sitting member, a mere farmer and country gentleman, who now for the first time appears here, and who never before, in all probability, attended to the manner in which contested elections are conducted by us, should be conversant with our common law of elections, if indeed we have such law. And this I think, is of itself sufficient to do away all idea of culpable negligence.

In every view of the subject which I have been able to take, I think the sitting member is entitled to further time to procure testimony, and I shall accordingly so vote.

The question on concurring with the Committee of Elections, in their said report, was then determined in the negative—yeas 46, nays 65, as follows:

YEAS—Ezekiel Bacon, John Baker, William W.

Bibb, Abijah Bigelow, Elijah Brigham, Martin Chittenden, John Clopton, John Davenport, jun., William Ely, James Emott, William Findley, Asa Fitch, Charles Goldsborough, Bolling Hall, Obed Hall, Aylett Hawes, Richard Jackson, junior, Philip B. Key, Lyman Law, Robert Le Roy Livingston, Nathaniel Macon, Archibald McBryde, William McCoy, Samuel McKee, Arunah Metcalf, John Milnor, Jonathan O. Moseley, Thomas Newbold, Israel Pickens, Timothy Pitkin, junior, James Pleasants, jr., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, John Sevier, Adam Seybert, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, David R. Williams, and Thomas Wilson.

NAYS—Willis Alston, jun., William Anderson, Stevenson Archer, Daniel Avery, David Bard, Josiah Bartlett, Burwell Bassett, William Blackledge, Thomas Blount, Adam Boyd, Robert Brown, William A. Burwell, Wm. Butler, John C. Calhoun, Langdon Cheves, Lewis Condit, William Crawford, Roger Davis, John Dawson, Joseph Desha, Elias Earle, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, John A. Harper, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, Wm. R. King, Abner Lacock, Peter Little, William Lowndes, Aaron Lyle, George C. Maxwell, Thomas Moore, Alexander McKim, Samuel L. Mitchell, James Morgan, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, William Piper, Benjamin Pond, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, George Smith, Richard Stanford, Silas Stow, William Strong, Charles Turner jr., Pierre Van Cortlandt, junior, Robert Whitehill, William Widgery, Richard Winn, and Robert Wright.

So the House refused to concur with the Committee of Elections.

A motion was made by Mr. RANDOLPH, to recommit the report of the Committee of Elections, with power to send for persons and papers.

The question on this motion was determined in the negative—yeas 50, nays 66, as follows:

YEAS—Ezekiel Bacon, John Baker, William W. Bibb, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Clopton, John Davenport, jr., William Ely, James Emott, William Findley, Asa Fitch, Charles Goldsborough, Bolling Hall, Obed Hall, Aylett Hawes, Richard Jackson, jun., Philip B. Key, Lyman Law, Robert Le Roy Livingston, Nathaniel Macon, William McCoy, Samuel McKee, Arunah Metcalf, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Israel Pickens, Timothy Pitkin, jr., James Pleasants, jr., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, John Sevier, Adam Seybert, Richard Stanford, Philip Stuart, Lewis B. Sturges, George Sullivan, Samuel Taggart, Benj'n Tallmadge, Laban Wheaton, Leonard White, David R. Williams, and Thomas Wilson.

NAYS—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, David Bard, Josiah Bartlett, Burwell Bassett, William Blackledge, Thomas Blount, Adam Boyd, Robert Brown, William A. Burwell, Wm. Butler, John C. Calhoun, Langdon Cheves, Thomas B. Cooke, Lewis Condit, William Crawford, Roger Davis, John Dawson, Joseph Desha, Elias Earle, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, John

A. Harper, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Peter Little, William Lowndes, Aaron Lyle, Geo. C. Maxwell, Thomas Moore, Alexander McKim, Sam'l L. Mitchill, James Morgan, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, William Piper, Benjamin Pond, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, George Smith, Silas Stow, William Strong, Uri Tracy, Charles Turner, jun., Pierre Van Cortlandt, jun., Robert Whitehill, William Widgery, Richard Winn, and Robert Wright.

A motion was then made by Mr. GHOLSON, that the House do come to the following resolutions:

1. *Resolved*, That John P. Hungerford is not entitled to a seat in this House.

2. *Resolved*, That John Taliaferro is entitled to a seat in this House.

The question on the first resolution was determined in the affirmative—yeas 67, nays 29, as follows:

YEAS—Willis Alston, jun., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, Josiah Bartlett, Burwell Bassett, William Blackledge, Thomas Blount, Adam Boyd, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Lewis Condit, William Crawford, Roger Davis, John Dawson, Joseph Desha, Elias Earle, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Jacob Hufty, John M. Hyneman, Rich'd M. Johnson, Joseph Kent, William R. King, Abner Lacock, Peter Little, William Lowndes, Aaron Lyle, George C. Maxwell, Thomas Moore, Alexander McKim, Samuel L. Mitchill, James Morgan, Hugh Nelson, Anthony New, Thos. Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, Benjamin Pond, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, George Smith, Richard Stanford, Silas Stow, William Strong, Charles Turner, jr., Pierre Van Cortlandt, jr., Robert Whitehill, William Widgery, Richard Winn, and Robert Wright.

NAYS—William W. Bibb, Abijah Bigelow, Elijah Brigham, John Clopton, John Davenport, jr., William Ely, James Emott, Asa Fitch, Bolling Hall, Aylett Hawes, Lyman Law, Robert Le Roy Livingston, Nathaniel Macon, Jonathan O. Moseley, Timothy Pitkin, junior, James Pleasants, junior, Elisha R. Potter, Josiah Quiney, John Randolph, William Reed, Henry M. Ridgely, Adam Seybert, Philip Stuart, Lewis B. Sturges, Benjamin Tallmadge, Laban Wheaton, Leonard White, David R. Williams, and Thomas Wilson.

The question on the second resolution was determined in the affirmative—yeas 66, nays 19, as follows:

YEAS—Willis Alston, jun., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, Burwell Bassett, William Blackledge, Thomas Blount, Adam Boyd, Robert Brown, William A. Burwell, Wm. Butler, John C. Calhoun, Langdon Cheves, Lewis Condit, William Crawford, Roger Davis, John Dawson, Joseph Desha, Elias Earle, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Peter Little, Wm. Lowndes, Aaron Lyle, George C. Maxwell, Thomas Moore, Alex-

ander McKim, Samuel L. Mitchill, James Morgan, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, Benjamin Pond, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, George Smith, Richard Stanford, Silas Stow, William Strong, Charles Turner, jr., Pierre Van Cortlandt, jr., Robert Whitehill, William Widgery, Richard Winn, and Robert Wright.

NAYS—William W. Bibb, Elijah Brigham, John Clopton, Bolling Hall, Aylett Hawes, Lyman Law, Robert Le Roy Livingston, Nathaniel Macon, Jonathan O. Moseley, James Pleasants, jr., John Randolph, William Reed, Henry M. Ridgely, Adam Seybert, Philip Stuart, Laban Wheaton, Leonard White, David R. Williams, and Thomas Wilson.

MONDAY, December 2.

JOHN TALIAFERRO, who has been declared entitled to a seat in this House, as one of the members for Virginia, in the place of John P. Hungerford, who has been declared not entitled to a seat in this House, appeared, was qualified, and took his seat.

Mr. LEWIS presented a petition of sundry inhabitants of the City of Washington, praying that certain amendments therein mentioned, may be made to the act incorporating the City of Washington.—Referred.

Mr. NEWTON, from the Committee of Commerce and Manufactures, to whom were referred the petitions of Isaac Clason and Archibald McCall, presented a bill authorizing the issuing of debentures in certain cases; which was read twice, and committed to a Committee of the Whole on Friday next.

Mr. LACOCK presented a petition of sundry members of several Christian denominations, residing in the western parts of the United States, praying that post offices may not be opened, and that the mails may not be carried, on Sundays.

The SPEAKER laid before the House sundry resolutions adopted at a meeting of a number of inhabitants of Gloucester county, in the State of New Jersey, expressive of their disapprobation of the conduct of the Government of Great Britain, of their confidence in, and attachment to, the present Administration of the General Government, and of their support of such measures as may be adopted for the defence of the honor and interests of the United States.

The resolutions were read and ordered to lie on the table.

Mr. GOLD, from the committee to whom was recommitted the bill for the more convenient taking of affidavits and bail, in civil causes depending in the courts of the United States, reported an amendment thereto; which was read, and, together with the bill committed to a Committee of the Whole on Wednesday next.

Mr. BASSETT, from the committee appointed to prepare and report such standing rules and orders as are proper to be observed in this House, made a report; which was read and committed to a Committee of the Whole on Friday next.

Mr. MORROW, from the Committee on the Pub-

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lic Lands, to whom was committed, the amendment of the Senate to the bill "extending the time for opening the several land offices established in the Territory of Orleans," reported the agreement of the committee to the said amendment.

The amendment was then read, and concurred in by the House.

The bill from the Senate, "making a further appropriation for the support of a library," was read twice, and committed to a Committee of the Whole to-morrow.

The House resolved itself into a Committee of the Whole on the bill allowing further time for completing the payments on certain lands held by right of pre-emption in the Mississippi Territory; which was gone through, reported to the House, and ordered to be engrossed for a third reading.

The House went into a Committee of the Whole, on the bill for the relief of Thomas and John Clifford of Philadelphia, and Charles Wirgman of Baltimore.

The Committee, after some discussion on the bill, rose, reported progress, and asked leave to sit again, which was refused; and on motion of Mr. D. R. WILLIAMS, the bill was recommitted to the Committee of Commerce and Manufactures.

The House again went into Committee of the Whole, on the bill to authorize the laying out a public road from the line established by the Treaty of Greenville, to the North Bend of the Ohio; which was reported to the House, by whom it was ordered to be engrossed for a third reading.

TUESDAY, December 3.

Mr. DAWSON, from the committee appointed on the nineteenth ultimo, presented a bill for the relief of the infirm, disabled, and superannuated officers and soldiers of the late and of the present Army of the United States; which was read twice, and committed to a Committee of the Whole on Monday next.

On motion of Mr. RANDOLPH, the committee appointed to inquire into the faithful application of public moneys, were authorized and empowered to send for persons and papers.

On motion of Mr. NEWTON, the Committee of Commerce and Manufactures were instructed to inquire whether any, and, if any, what, alterations and amendments are necessary to be made in the several acts of Congress establishing ports of entry and delivery.

An engrossed bill "allowing a further time for completing the payments on certain lands, held by right of pre-emption, in the Mississippi Territory," was read the third time, and passed.

The House resolved itself into a Committee of the Whole on the bill from the Senate, "to authorize the surveying and making of certain roads in the State of Ohio, as contemplated by the Treaty of Brownstown, in the Territory of Michigan." The bill was reported without amendment, and ordered to a third reading to-morrow.

The House resolved itself into a Committee of the Whole on the bill from the Senate, "making a further appropriation for the support of a libra-

ry." The bill was reported without amendment, read the third time and passed.

The House resolved itself into a Committee of the Whole on the bill for the relief of John Burnham. No amendment being made, the bill was ordered to be engrossed, and read the third time to-morrow.

TERRITORY OF LOUISIANA.

The House again resolved itself into a Committee of the Whole, on the bill providing for the government of the Territory of Louisiana. The motion to strike out so much of the sixth section of the bill providing for the government of the Territory of Louisiana, as relates to the qualification of elections, being under consideration—

Mr. RHEA said, the observations which he was about to make would be chiefly confined to the objections made to the provisions contained in the sixth section of the bill, relating to the qualifications of those who may vote at elections for members of the General Assembly. That section has been opposed, as if the qualifications of an elector were confined to freehold only; but the qualification of freehold is not the only one, as will appear by reference to that part of the section which is moved to be struck out; it is in the following words: "Every free white man of the age of twenty-one years, being an inhabitant of the Territory, and possessing a freehold in the county, and every free white man of the age of twenty-one years, being an inhabitant of any county therein, one year preceding the day of election, shall be entitled to vote in that county, for a representative or representatives to the General Assembly."

The section declares two modes of qualification, one is a freehold (or estate in fee) in the county, and the other is, the being an inhabitant in the county for one year next preceding the day of election. If, pursuant to a motion that has been made, the word freehold be struck out of the section, the privilege of voting will be restrained, for in that case, a man by being vested with a fee will not be entitled to vote, and his exclusion cannot be bottomed on any rational principle. If a citizen of the United States will move to the Territory of Louisiana, and there purchase land, and settle thereon, and become vested with the complete title thereof, be the quantity what it may, there is no good reason to exclude him from voting at an election, immediately after he has obtained a title for his land; by his purchasing land, settling thereon, and acquiring a title thereto, he has given the strongest evidence in his power of his determination to be an inhabitant of that country, and of his attachment thereto; an evidence far superior to that which arises from the payment of a tax only; for a man who is only a transitory resident, by being there at the time, may pay, or be compelled to pay a tax merely personal, his name having been reported on a tax list, and after the tax is paid, and a vote by him rendered, may immediately go off for some other country. The Territory of Louisiana being on the frontier, remote and exposed, a resi-

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dence of one year in any county therein, next preceding the day of election, may not be too long to privilege a man, not possessed of land in fee, to vote at elections; that period of time is not more than sufficient to manifest an attachment to the country. It will also follow, as a matter of course, that if a man has been an inhabitant of a county for one year preceding the day of an election, he will have paid a tax, if there be a law in that Territory providing for payment of a personal tax; and if there be no such law, the qualification arising from payment of a tax only will operate strangely at the first election, if not at any other subsequent. The qualifications of electors, provided for in the bill, will guard against impositions, and such intrusion will be more easily detected; this will appear more necessary, when it is considered, that this bill is in the nature of a compact between the United States and the people of Louisiana.

But a motion has been made to strike out all that part of the sixth section which defines the qualifications of electors, and to insert in place thereof, the following: "Every free white male citizen residing in the said Territory, who shall have attained to the age of twenty-one years, and paid a tax." If this proposed amendment be agreed to, the elective franchise provided for in the bill, will be strangely restrained; for that arising from a freehold only will be excluded, as also that arising from being an inhabitant for one year preceding the day of election, and the only one will be that arising from being a citizen and payment of tax. That the proposed amendment is indefinite and uncertain will further appear, by inquiring who are they who, being inhabitants of the Territory of Louisiana, are entitled to be named citizens? And who are they, who, being citizens and having paid tax, shall be entitled to vote at elections? I do not undertake, said Mr. R., to answer these questions. By the offered amendment, it seems an elector must be a citizen and have paid tax. That is, an elector is a citizen who has paid tax. It may not be useless to inquire whether all the free male white inhabitants of the age of twenty-one years, in the Territory of Louisiana, are embraced by the word citizen. In respect to the term or word citizen, it is amply provided for in the ninth section, which is in the words following:

"And be it further enacted, That all and every free white male person, who, on the 20th day of December, in the year one thousand eight hundred and three, was an inhabitant of the Territory of Louisiana, and all free white male citizens of the United States, who, since the said twentieth day of December, in the year one thousand eight hundred and three, emigrated, or who hereafter may emigrate to the said Territory, being otherwise qualified according to the provisions of this act, shall be capable to hold any office of honor, trust, or profit, in the said Territory, under the United States, or under said Territory, and to vote for members of the General Assembly, and a delegate to Congress, during the temporary government provided for by this act."

By the term citizen is understood, a man who

is in possession and exercise of every right and privilege declared by the Constitution and laws of the States of which he is an inhabitant, and the Constitution and laws of the United States, to be his. If time would permit, it might be inquired, whether a citizen of a State removing to a Territory of the United States under the first grade of government, and becoming an inhabitant thereof, will remain vested with all the rights and privileges of a citizen of the United States? But this is only noted for consideration. It may be observed, that a right to vote for a representative in a General Assembly, and to be represented in a General Assembly, are attributes of a citizen, and at present no free white male inhabitant in Louisiana is vested with these attributes, for the people of Louisiana have not heretofore been represented in a General Assembly, and the object of the bill is to give certain rights and privileges, which they have not at any time heretofore been in the possession and exercise of. If the definition given of the term "citizen" be correct, and it is presumed to be so, it is evident that all the free white male inhabitants of that Territory are not embraced by that term "citizen," and it will follow, that if the proposed amendment be agreed to, a large portion, if not all, of the free white male inhabitants, will, by force of the term "citizen," be excluded from voting for members of the General Assembly, and in that event the offered amendment, be it agreed to, will defeat the very object of the bill, for then there may be no General Assembly.

But that portion of the people of that Territory who were inhabitants thereof on the 20th day of December, in the year one thousand eight hundred and three, are not included in the definition given of the term "citizen;" for they are not citizens of any State, and, consequently, not of the United States; they, therefore, may, by force of that term "citizen," be excluded from voting for representatives in a General Assembly. Taking this into view, the committee who reported the bill made particular provision in the ninth section thereof, for that portion of the people of Louisiana, and also for citizens of the United States, who, since the said 20th day of December, have emigrated, or who hereafter may emigrate, to that Territory. Let the offered amendment be rejected, and let the provisions of the sixth and ninth sections of the bill remain as they are, and their joint operation on all persons claiming a right to vote, and then no doubt or difficulty will be made relative to the qualifications of electors; he who is invested with a fee in land, if contested, will produce his title deeds; and he who claims a right to vote, by being an inhabitant of the county one year next preceding the day of election, will, if disputed, show that he has so been an inhabitant; and if there be in either case a failure, the offered vote will be rejected.

It has been observed that, if the offered amendment be not agreed to, "a person may vote in two different counties at one election." This will not follow from the relative totals used in the sixth section; the words "the" and "that" are used in

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relation to the county wherein the elector shall vote, and their relative force will, with common care and attention, exclude any person from voting in two counties. It has also been objected that "Spaniards may come and vote at elections in Louisiana, under the provisions of the bill." If by the word "Spaniards" is intended persons who were inhabitants of the country now the Territory of Louisiana, on the 20th day of December, in the year one thousand eight hundred and three, or if by it is intended persons, who, emigrating to any of the United States, and therein residing until naturalized by law, and vested with the rights as well as name of citizen, and who, since the said twentieth day of December, have emigrated, or may emigrate, to that Territory, the objection is harmless, being without foundation; for an object of the ninth section is to embrace all persons of either description, they being otherwise qualified as provided for in the sixth section. If by the word "Spaniards" is intended persons of any other character or description, they are completely excluded by the provisions of the ninth and sixth sections of the bill, which will evidently appear by a very moderate share of attention thereto. It has been intimated that, if this bill becomes a law, it will encourage intruders to enter upon the lands of the United States; this objection is not sustainable. There are laws of the United States to expel intruders from the public lands. When the second grade of temporary government was extended respectively to the people of the Northwestern Territory, to the people of the Indiana and Mississippi Territories, were there no intruders on public lands within the limits of any of those Territories? Will it be said there were none? And, is it now come to this, that the numerous population of the Territory of Louisiana shall be prevented from having a general representation and General Assembly of their own, to make laws for themselves, and to have every benefit resulting therefrom; and all this for fear that a poor man, destitute of wealth, shall, with his wife and children, go on and cultivate a small piece of public land to raise bread for his children, some one of whom, at a future day, may stand highly eminent in the Congress of the United States?

Petitions for the second grade of temporary government have for some time been before the Congress of the United States from the people of Louisiana. By the late census it appears that the people are now more than — thousand. To the people of other Territories, when composed of very inferior numbers, the second grade of temporary government has been extended—and certainly the people of Louisiana, in respect to their population, and in pursuance of the Treaty of Paris, are entitled to the consideration of the Congress of the United States.

The Committee rose, and had leave to sit again.

WEDNESDAY, December 4.

A message from the Senate, informed the House that the Senate have passed a bill "for the relief

of Thomas O'Bannon;" and have passed the bill from this House "for the apportionment of Representatives among the several States according to the third enumeration," with amendments; to which bill and amendments they desire the concurrence of this House.

On motion of Mr. WILLIAMS, the Committee of Commerce and Manufactures were instructed to report a bill explanatory of the act laying duties on manufactured copper.

Another message from the Senate informed the House that the Senate have passed a bill "making further provision for the Corps of Engineers;" to which bill they desire the concurrence of this House. They have agreed to the resolution of this House for the appointment of a joint committee to have the application of the moneys appropriated for the library; and have appointed Mr. LEIB, Mr. SMITH of Maryland, and Mr. CONDIT, to be of the committee on their part.

The SPEAKER laid before the House a report of the Secretary of the Navy of moneys transferred during the last recess of Congress, from certain branches of expenditure to other branches of expenditure in the Navy Department, and of the application of such moneys; which was read, and referred to the Committee of Ways and Means.

APPORTIONMENT BILL.

The House proceeded to consider the amendments of the Senate to the bill "for the apportionment of Representatives among the several States, according to the third enumeration."

Mr. BURWELL moved that the bill and amendments be committed to a Committee of the Whole, on Monday next; which was negatived.

Mr. RANDOLPH moved that the bill and amendments be postponed until Friday next; which was also determined in the negative.

Mr. STANFORD moved, that the further consideration thereof be postponed until to-morrow; which was determined in the negative—yeas 56, nays 72, as follows:

YEAS—Willis Alston, jr., John Baker, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Thomas Blount, James Breckenridge, Robert Brown, William A. Burwell, John Clopton, Lewis Condit, William Crawford, John Dawson, Meshack Franklin, Thomas Gholson, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Felix Grundy, Obed Hall, Aylett Hawes, Jacob Hufty, Joseph Kent, Philip B. Key, William R. King, Abner Lacock, Joseph Leffer, Joseph Lewis, jr., Peter Little, Nathaniel Macon, George C. Maxwell, Archibald McBryde, William McCoy, Samuel McKee, Alexander McKim, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newton, Stephen Ormsby, Joseph Pearson, Israel Pickens, William Piper, James Pleasants, jr., John Randolph, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Richard Stanford, Philip Stuart, John Taliaferro, Robert Whitehill, Thomas Wilson, and Richard Winn.

NAYS—William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, Josiah Bartlett, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, Elijah Brigham, William Butler, John C. Calhoun, Epaphroditus Cham-

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pion, Langdon Cheves, Martin Chittenden, Thomas B. Cooke, John Davenport, jr., Roger Davis, Samuel Dinsmoor, Elias Earle, William Ely, James Emott, William Findley, James Fisk, Asa Fitch, Thomas R. Gold, Isaiah L. Green, Bolling Hall, John A. Harper, John M. Hyneman, Richard Jackson, jr., Richard M. Johnson, Lyman Law, Robert Le Roy Livingston, William Lowndes, Aaron Lyle, Thomas Moore, Arunah Metcalf, James Milnor, Samuel L. Mitchell, Jonathan, O. Moseley, Thomas Newbold, William Paulding, jr., Timothy Pitkin, jr., Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, William Reed, Henry M. Ridgely, William Rodman, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, Silas Stow, William Strong, Lewis B. Sturges, George Sullivan, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, George M. Troup, Charles Turner, jr., Pierre Van Cortlandt, jr., Laban Wheaton, Leonard White, David R. Williams, William Widgery, and Robert Wright.

The question that the House do concur with the Senate in the said amendments, being stated, and debate arising thereon, an adjournment was called for, and carried.

THURSDAY, December 5.

The SPEAKER laid before the House sundry resolutions adopted by a meeting of a number of the inhabitants of the town and district of St. Louis, in the Territory of Louisiana, expressive of their wishes that the second grade of Territorial government may be extended to the said Territory; that the Judges of the General Court be required, by law, to have some permanent interest in the welfare of the inhabitants, and to reside in the Territory: that additional and more equitable provisions be made in favor of claimants to lands in the Territory; and that the limits of the Territory may be more clearly defined; which were read, and referred to the Committee of the Whole on the bill providing for the government of the said Territory.

The bill from the Senate "for the relief of Thomas O'Bannon," was read twice, and referred to the Committee on the Public Lands.

The bill from the Senate, "making further provision for the Corps of Engineers," was read twice, and committed to a Committee of the Whole on Wednesday next.

Mr. MITCHELL presented a petition of Charles Whitlow, of the county and State of New York, nurseryman and botanical collector, praying for a special license to import into the United States all such seeds, grains, and growing plants, as he may deem necessary for the improvement of gardening, farming, science, or the arts; on condition of making a disclosure, for the benefit of the United States, of an important discovery of a native vegetable, possessing, in the highest degree, the qualities for the preparation of cordage, thread, and linen cloth.—Referred to the Committee of Commerce and Manufactures.

Mr. MORROW, from the Committee on the Public Lands, made a report on the memorial of the Legislative Council and House of Representatives of the Indiana Territory, referred the 8th

ultimo; which was read, and referred to a Committee of the Whole to-morrow.

Mr. MORROW, from the same committee, made a report on the petition of the Mayor and Aldermen of the city of New Orleans, referred the twenty-eighth ultimo; which was read, and referred to a Committee of the Whole on Monday next.

Mr. BACON, from the Committee of Ways and Means, presented a bill to continue in force, for a limited time, the act, entitled "An act continuing, for a limited time, the salaries of the officers of Government therein mentioned;" which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. BACON, from the same committee, presented a bill to continue in force, for a further time, the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers;" which was read twice, and committed to a Committee of the Whole on Tuesday next.

On motion of Mr. ARCHER, the Committee of Commerce and Manufactures were instructed to inquire into the expediency of extending the district of Havre-de-Grace, in the State of Maryland, so as to include Spes-Utice Island, the Northern shore of Elk river, the Eastern shore of Bush river, Susquehanna, and Northeast rivers, and all the waters and shores of the Chesapeake Bay above the mouth of Bush river, on the Western shore, and above the mouth of Elk river on the Eastern shore of said bay.

APPORTIONMENT OF REPRESENTATIVES.

The House resumed the consideration of the amendments of the Senate to the bill "for the apportionment of Representatives among the several States, according to the third enumeration."

Mr. NEWTON moved that the bill be recommitted to a Committee of the Whole House.—Negatived—ayes 57, noes 60.

Mr. CALHOUN said: Before the bill had gone to the Senate, it excited but very little interest with me. All that I had heard from gentlemen on every side, convinced me that it was a squabble among the several States which should bear the loss of large fractions, rather than a serious division on principle, of one ratio in preference to another. Were I governed alone by fractions I should not rise this day, nor oppose a concurrence with the Senate, from the pride of opinion; for the ratio which the Senate have fixed, is in accordance with my vote on the original bill, although thirty-seven thousand would leave my State with a less fraction unrepresented than thirty-five thousand: but fractions are not my object. I am not here to represent my own State alone. I renounce the idea. And I will show, by my vote, that I contend for the interests of the whole people of this community. The present question, on concurring in the amendment of the Senate, seemed to be totally different, and much more important than the original one. As it now stands it is a case of disagreement between the two Houses, and the contest is, which shall recede. A contest

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of this kind (on the census bill) was one of the most serious consequences to the House. The Senate, by persistence, must force this body either to adopt their ratio, or, if that cannot be effected, even annihilate this branch of the Legislature. I consider this a case of omission in our excellent Constitution—one of that kind which must take place, perhaps, in all free constitutions, however formed; but particularly in one like ours, formed by the foresight of wisdom, and not by slow and successive experience. That it is a case of omission and not foreseen, may be inferred from several parts of the Constitution itself. The Constitution makes this House the sole judge of the qualifications and returns of its own members. This is supposed to vest the power so exclusively in us, that a few days since, in a debate on the contested election from Virginia, it was contended with much force of argument, that any law on this subject, as the Senate must participate in it, would be unconstitutional. What is the reason? A spirit of jealousy; a manifest intention to preserve this House from the influence of the other; and to prevent the latter from having any control in the interior management of this. If such caution was necessary in this particular, where the cases must, almost necessarily, be few, and often not important, how much more so in a question of ratio, in which that body may add to or subtract hundreds from this—may force such a ratio on this, as is favorable to the federative principle, and assimilate it to the other in its formation, it may entirely annihilate this House. Again, it is the theory of our Government, and was the favorite idea of all our politicians, at the time of its formation, that liberty can only exist in a division of the sovereign power; and that such division should only be permanent where each of the parts had within itself the means of protection. On this principle, the Executive and Judiciary were detached from the Legislature, and this last divided into two branches. Each of these Departments has the means of self-preservation. The first has its qualified veto and its patronage; the Judiciary its independence—and each House a veto on the proceedings of the other.

In the ordinary course of legislation, this furnished ample security. Far different on the census bill. Here the whole is inverted. The vote of the Senate is no longer the means of protection to itself, but becomes a fatal means of assailing this House; it is no more a shield of defence, but a weapon of attack; and when they use it, by withholding their assent, we are annihilated. This great anomaly could not have been foreseen; it must be considered as an omission. What remedy do I propose? Prevent the Senate from participating in a census bill? By no means; it would be unconstitutional; because there is no clause to that effect. I propose a means in strict unison with the Constitution, and furnished by itself. It has in this instance withheld from us the shield, but has pointed to its spirit. Let us act with a fixed determination; and not accede to the amendment of the Senate. That body, unaided by precedent, and opposed by the spirit

of the Constitution, must recede. Let us follow the example of the House of Commons in England in relation to money bills, and the same effect will follow—but by no means reverse that example.

The Senate, strengthened by precedent, will hereafter control us completely. On this ground they have naturally a greater capacity for struggling than we. Unless we insist in the first instance, we must ever hereafter be overpowered. What inducement can gentlemen have, to make the surrender at this time? None can be weaker, than because some of the States have, by the ratio inserted in the Senate, small fractions, and one section of the Union has by it comparatively gained. Will gentlemen for this inconsiderable gain make so great a sacrifice? Particularly those from large States, who are the greatest gainers by fractions. For this paltry gain, more apparent than real, which can last but for ten years, they surrender a principle of the most vital importance to them. They will enable the Senate in time to reduce them almost to the same terms of equality on this floor with the small States, as they are in the other House. Let it not be said, the Senate will always exercise this power with discretion. It is the part of political wisdom not to trust when it can make secure, and in a case of such vital importance, it will not confide in the strongest probabilities. Faith is an article of religion, but not of politics. But, sir, if any section or State of this Union gained ever so much, I know not how it could justify this abandonment of principle. Who are we? The representatives of the nation; of individual rights; the trustees for the time being of that mass of power which is invested in the hands of the Legislature for the protection of those rights. How then can we make a surrender consistent with the principle, with honor or with conscience, of those important rights so sacredly trusted to our keeping? Mr. Speaker, I wish the task of defending this important point had fallen to abler hands. I feel all that embarrassment which a young man, not much accustomed to speaking, must necessarily experience the first time, before such an audience, and in a place so trying to the voice as this hall. I shall be happy, if in the midst of my embarrassments, I have been intelligible, and have expressed myself with sufficient caution, on so delicate a point.

Mr. RHEA said that, being induced to believe that the great principle of compromise on which he had heretofore voted (which was, that the present representation of the people of any State might not be diminished) was abandoned, and that, in place thereof, local, partial, and State interests were substituted, he now, also, would turn his attention to objects of the same nature. He was the more influenced to do this, because the principle of compromise was not only abandoned, but abandoned in a manner highly injurious to the people of Tennessee. One of whose representatives he had the honor to be. If the ratio of thirty-seven thousand had been adhered to, he might have been silent; but, as that ratio is proposed, by

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the amendment offered by the Senate, to be no more, and, as the ratio proposed is only one thousand more than the fraction which on that ratio will remain to Tennessee, his duty called on him to protest against this procedure.

I will vote, said Mr. R., against concurring with the amendment made by the Senate, which proposes a ratio of thirty-five thousand. And, if that vote was to be spoken with my last breath, it should be cheerfully tendered, not only because the amendment, if agreed to, will operate injuriously and unjustly in relation to Tennessee, but, also, by reason that, if agreed to, it will, in my humble opinion, go to fix a principle which, at no very distant period, may shake the foundation of sovereignties. Far be it from me to derogate from the constituted powers of the Senate of the United States, but it may, with all due respect, be observed, that a ratio of apportionment made by the House of Representatives of the sovereign people, and by the commanding majority of 102 to 18 in that House, merits a considerable degree of confidence from the Senate, and, if touched by that honorable House, ought not to be touched nor broken down unless for reasons of an imperious nature. The ratio fixed in the bill was a ratio of compromise, that, thereby, the present representation of the people in any State might not be diminished. When that ratio was fixed in the bill, fractions were little attended to; but it now appears that the avoiding of fractions has taken the place of that magnanimous principle, and crept in to disturb that social and friendly union, which is the basis of the sovereignty of these United States.

The offered amendment, then, reduces the ratio to thirty-five thousand. The operation of that ratio on all the other States, except by way of comparison, will be omitted, and its operation by fraction on the State of Tennessee, only, examined. By a ratio of thirty-five thousand, there will remain to Tennessee a fraction of thirty-three thousand nine hundred and thirteen, only one thousand and eighty-seven less than the proposed ratio of this amendment for a representative. It appears that, at a ratio of thirty-five thousand, the four great States of the Union—that is: New York will have a fraction of 8,043; Virginia 12,616; Pennsylvania 4,773; and Massachusetts 740. The aggregate of all these fractions is about 26,172. The fractions remaining to the States of New Hampshire and Delaware amount to about 5,464, which, being added to the amount of the fractions of the four great States, makes an aggregate of about 31,636. Hence, it is manifest that on a ratio of 35,000, a fraction will remain to Tennessee, which is greater than the aggregate of the fractions of the States alluded to. No imperious reason appears, producing this effect, and commanding a descending ratio, to a point within the number 1,160, giving to the people of Tennessee another representative. If the ratio in the proposed amendment be agreed to, the people of the States already named, will have more than one hundred representatives, with an aggregate of remaining fractions of about

31,336; and the people of the State of Tennessee will have six representatives, with a remaining fraction of nearly thirty-four thousand. If the object of the amendment be to reduce great fractions, a ratio of 34,800, would have done away the great fraction of Tennessee, and the people of that State would then have had seven representatives. If, then, the ratio must be reduced from 37,000, it is hoped it will be reduced to a number which will remove this great fraction, so that the people of Tennessee shall have seven representatives.

Mr. Fisk.—Mr. Speaker, I have the honor to represent, in part, a small State, which feels deeply interested in the present question; it is, therefore, with pleasure, I hear the rights and interests of the small States advocated. I am decidedly in favor of concurring with the amendment of the Senate, and, in support of it, shall endeavor to prove that the ratio proposed by the Senate will do less injustice and give a more equal representation to the States than that fixed on by this House. By the ratio of 37,000, agreed on by the House, Delaware and Vermont, having a population of only 288,899, will have a fraction of 66,899, almost equal to the one-fourth of their whole number, and will deprive Delaware of the one-half of her representation, and Vermont of the one-sixth. By the ratio of 35,000, proposed by the Senate, Vermont and Delaware each gain one representative, while Kentucky, Tennessee, New Jersey, and Ohio, with a population of 1,090,084, will be left with a fraction of 100,084, only equal to about the one-eleventh of their whole number. With these facts before us, I cannot understand by what rule of justice the gentlemen last up from Kentucky, Tennessee, and New Jersey, could advocate the interests of the small States, vote for the ratio agreed to by the House, leaving such monstrous fractions to the States of Delaware and Vermont, and now call on us to join them in rejecting the amendment of the Senate, because of the fractions it leaves in their States, when these fractions are, to their whole numbers, comparatively nothing with those left to Delaware and Vermont by the ratio they voted for. No number can be fixed on as the ratio but what will leave fractions in some of the States. It is but justice, therefore, that we should adopt the Constitutional number which will leave the least fractions, and those on the greatest population.

It is proper to mention, that, by the last ratio, Tennessee had a very small fraction, and Vermont a large one; by this ratio, Vermont will have a small one, and that of Tennessee will be larger: thus, by the change, the loss will be equalized. An objection has been urged against the amendment, on the ground of its increasing the representation in this House. This has no weight in my mind. This ratio will not give this House more members than are to be found in the Legislatures of many of the small States, where business is transacted with great facility and correctness. I think a numerous representation conformable to sound republican principles.

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Against the doctrines advanced yesterday, by the gentleman from South Carolina, I beg leave to enter my most solemn protest. In these moments of danger from abroad, I am not for declaring war against the Senate—a foreign enemy may soon render a declaration of war both necessary and honorable. The best way of supporting the Constitution, is by acknowledging its principles, and moving within the orbit it has prescribed for us. The framers of the Constitution, for good reasons, no doubt, in the distribution of power to the several branches of our Government, saw fit to give the Senate a participation in the power of fixing the ratio for the representation in this House; and it is not competent for us, as legislators, to question the wisdom of this provision. Very little light can be thrown on this subject by precedents drawn from the proceedings of the English Parliament; they are the supreme power; their acts make both the constitution and the law of the country. Not so here. The Constitution is the supreme law and rule to direct our legislative actions. This supreme law, this Constitution, has vested the Senate with the same power, and imposed on them the same obligation of exercising a sound discretion in legislating on the subject before us that it has to this House. They have the same interests in common with us all, they have solemnly sworn faithfully and impartially to discharge the trust reposed in them, and they would be unworthy their station if they did not do it independently.

Mr. WRIGHT.—Mr. Speaker, I hope the House will proceed to decide on the merits of the amendment proposed by the Senate. I, for my part, am prepared to vote for it, although it comes in the inauspicious shape of an amendment from that body, so exceptionable in the opinion of the honorable gentleman from South Carolina (Mr. CALHOUN.) I feel no fears of the Senate's subverting the Government while they have a common interest in it. I certainly, when a member of that body, was not less attached to the best interest of my country than I now am, although now directly elected by the sovereign people.

The Constitution has wisely provided an equal representation in the Senate to prevent the small States from being injured by the overwhelming majority of the large States, and this appears to me to be one of the cases in which the Senate correctly have interfered, for that purpose, and while they revolve on their own axis, and within their own Constitutional orbit, I shall always respect them as a valuable organ of the legislative will of the nation.

Sir, let us examine the case. The Constitution declares that "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers." We find that Delaware, for twenty years, has had a fraction of 30,000 unrepresented, and we know she was directly taxed in the same manner that all the States were, without respect to that fraction, although nearly equal to one-half her whole number; and now, again, by fixing on 37,000 in-

stead of the 35,000 proposed by the Senate, she is to be taxed for ten years more on 34,004 unrepresented. We know that, in this body, her feeble voice could not be heard, however just her claims, or honest her pretensions; but, in the Senate, they have been heard and respected; and I trust will now prevail. The gentleman from Kentucky (Mr. McKEE) seems to feel very much for New Jersey, which has a fraction of 31,222, at 35,000; but his sensations do not extend themselves to Delaware, which, for twenty years has had a fraction of 30,000, and at 37,000, will, for ten years more, have a fraction of 34,004. The gentleman from Tennessee (Mr. RHEA) seems also to be much alive to the interest of Tennessee; she has a fraction of 33,913; he has said that, if any State had such a fraction imposed on her, he should deem it unjust to impose it, and would oppose it. If he will examine, he will see that Delaware has a fraction of 34,004, and therefore he stands committed to oppose it. Georgia and Massachusetts both have larger fractions than Tennessee.

Sir, this question ought to be decided so that the Constitution might be as nearly gratified as possible, by adopting the number that will leave the smallest fraction upon the whole. If gentlemen will examine the document upon the subject, they will find, at 35,000, the unrepresented fractions amount to 249,460; that, at 37,000, the unrepresented fractions amount to 302,262, making a difference of 52,802 in favor of 35,000; so that, on taking into view the interest of all, without respect to particular sections of the Union, there are 52,802 in favor of the proposition of the Senate, which, on principle, ought to be preferred.

But we are told that, by fixing on 35,000, the Southern and Western sections of the Union suffer greatly. I have examined that subject, and find that the Southern and Western States, including Maryland, have fractions of 85,764 more than the States to the eastward of Maryland; but I also find, that on examining the fractions of the same sections at the ratio of 37,000, that the Eastern division of the Union have fractions of 121,448 more than the Southern and Western sections, leaving a balance of 35,784 more against the Eastern section at 37,000 than is against the Southern and Western sections at 35,000; so that the sectional fraction is less at 35,000, as well as the aggregate fraction; therefore, in justice, the number 35,000 ought to prevail.

Mr. GHOLSON.—When this subject was first before the House, a ratio of representation was adopted, which seemed to be the result of principle, and which appeared also to have been indicated by the federal numbers of some of the small States. The principle assumed had reference partly to the small States, and partly to the number of this branch of the Legislature, and accordingly, the highest ratio which would not reduce the present representation of any State was selected by a very large majority. The ratio taken was one member for 37,000, and this ratio grew not out of fractional calculations, but out of a spirit of magnanimity and conciliation. The

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Virginia delegation, I believe, would most of us have preferred 40,000 to a member, but we took 37,000, to prevent what Rhode Island and Connecticut alleged would have been injustice to them, namely, a reduction of their numbers in this body.

For this act of conciliation, how, sir, have we been requited by the small States? They have united in rejecting the ratio of 37,000, and in taking a smaller one, which throws almost all the large fractions on the southern part of the Union. I am very far from ascribing any incorrect intention to any one. I would not, in the slightest degree, insinuate that it was the intention of the Senate, or that it is now within the view of this House to do injustice to any section of this Confederacy. Yet, from the enactment of this bill, as amended by the Senate, the most obvious and manifest injustice would accrue to almost the entire southern portion of the Union. This will appear from a superficial view of the results arising from the ratio of 35,000, which has been substituted by the Senate.

The nine States to the north and eastward of Maryland contain the federal number of 3,546,848, and then their aggregate fractions or remainders amount to 81,864. The eight Southern States, inclusive of Maryland, comprise the federal number (deducting for the slaves) of 3,037,412. Thus three and a half millions in the North have about eighty thousand unrepresented, while only about 3,000,000 in the South have near one hundred and seventy thousand unrepresented. The disproportion is enormous. If the Northern States have 81,000 of remainders, the Southern States, according to the law of proportion, should have 69,000. But they have in fact 167,000, from which, if you deduct the rightful proportion of 69,000, it will be evident that they have an over proportion of unrepresented remainders, amounting to 98,000. By adopting the Senate's amendment, the Eastern States, moreover, gain nine Representatives, and the Southern States two only. The ratio of 35,000 is therefore peculiarly unequal in its operation, and consequently unjust.

If, Mr. Speaker, the principles which at first guided us upon this subject are now to be deserted, all that I ask is equality. It was a few days ago remarked by a venerable gentleman from North Carolina, (Mr. MACON,) that at last he expected this matter would resolve itself into pen and ink calculation. Although I reposed much in the discernment of that gentleman, I then hoped his prediction would not be fulfilled. I, however, now begin to discover strong indications that it is to be verified. If so, let this affair be referred for an arithmetical estimate. Let the calculations be only made with tolerable accuracy, and I am content.

The gentleman from Maryland has declared his object to be the reduction of the aggregate fraction, and he therefore takes the smallest ratio. The entire fraction at 37,000 is 52,000 greater than at 35,000. Waiving all other objections to the gentleman's reasoning, I would ask him if it is not better that the whole nation should have

an additional unrepresented remainder of 52,000 than that the Southern country alone should have a disproportionate unrepresented remainder of 98,000? It is certainly better that the whole should yield fifty than one-half near an hundred.

Geographical comparisons and local distinctions are at all times, sir, repugnant to my feelings. I avoid them whenever it is in my power. But I have been driven into the remarks which I have made by the course this business and the debate upon it have taken. And I am sorry that I am under the necessity of still trespassing for a moment on the attention of the House while I answer some observations of the gentleman from Pennsylvania, (Mr. SMILE.) If I understood the gentleman, he said the secret was, that the Southern people wanted the preponderance. Is it meant, sir, to convey, by these expressions, an insinuation that there are Southern men on this floor who act in a secret, clandestine way? Who profess one motive and act from another? Whatever may be intended, the observation is unmerited, and I repel it. I will not, for a moment, allow myself to believe that there is any man in this Assembly who would be capable of such conduct.

I regret, Mr. Speaker that the gentleman has thought it necessary on this occasion to call over the roll of appointments that have been conferred on particular States, and that he has entered into a comparison of the favors received by Virginia and Pennsylvania in this respect. Topics of this sort are extremely painful to me, and invidious in themselves. Without, therefore, entering myself at all on the subject, I will only observe, that if, in fact, from Virginia there have been more high federal officers than from Pennsylvania, I will leave it entirely to the gentleman from that State to calculate the causes of it.

After considerable further debate the question that the House do concur with the Senate in their first amendment, to wit: to strike out the words "thirty-seven," before the word "thousand," and insert "thirty-five," being taken, it was determined in the negative—yeas 65, nays 64.

Those who voted in the affirmative, are—

William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, Josiah Bartlett, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, jr., Roger Davis, Samuel Dinsmore, William Ely, James Emott, William Findley, James Fisk, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, John M. Hyneman, Richard Jackson, jr., Philip B. Key, Lyman Law, Robert Le Roy Livingston, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchell, Jonathan O. Moseley, William Paulding, jr., William Piper, Timothy Pitkin, junior, Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, William Reed, Henry M. Ridgely, Ebenezer Sage, Thomas Sammons, Ebenezer Scaver, Samuel Shaw, John Smilie, George Smith, Silas Stow, William Strong, Lewis B. Sturges, George Sullivan, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, Charles Turner, jr., Pierre Van

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Cortlandt, jr., Laban Wheaton, Leonard White, William Widgery, and Robert Wright.

Those who voted in the negative are—

Willis Alston, jr., John Baker, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Thomas Blount, James Breckenridge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, John Clopton, Lewis Condit, William Crawford, John Dawson, Joseph Desha, Elias Earle, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Edwin Gray, Felix Grundy, Aylett Hawes, Jacob Hufty, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Joseph Lewis, junior., Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newbold, Thomas Newton, Stephen Ormsby, Joseph Pearson, Israel Pickens, James Pleasants, jr., John Randolph, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, John Smith, Richard Stanford, Philip Stuart, John Taliaferro, George M. Troup, Robert Whitehill, David R. Williams, Thomas Wilson, and Richard Winn.

The other amendments of the Senate to the bill being governed by the first amendment, were, consequently, disagreed to.

It was then ordered, on motion of Mr. RANDOLPH, that a conference be held with the Senate on the subject-matter of the said amendments; and Mr. RANDOLPH, Mr. LACOCK, and Mr. CONNOR, were appointed managers at the said conference on the part of this House.

FRIDAY, December 6.

Mr. EMOTT presented a petition of Harrison and Lewis, of the city of New York, merchants, praying permission to import from the British West India islands, goods to the amount of debts owing to them by certain inhabitants in said islands.—Referred to the Committee of Commerce and Manufactures.

Mr. SMILIE presented a memorial of the President and Managers of the Union Canal Company of Pennsylvania, praying the aid and patronage of the General Government in accomplishing the extensive and useful works in which they are engaged; which was read, and referred to a select committee.

MESSRS. SMILIE, RIDGELY, RINGGOLD, BAKER, and BLEECKER, were appointed the committee.

A message from the Senate informed the House that the Senate *insist* on their amendments, disagreed to by this House, to the bill "for the apportionment of Representatives among the several States according to the third enumeration;" agree to the proposed conference, and have appointed managers on their part at the same.

FOREIGN RELATIONS.

The House resolved itself into a Committee of the Whole on the state of the Union, to which Committee of the Whole was committed the report of the Committee on Foreign Relations, made some days ago.

The report having been read—

Mr. PORTER said that the House were probably expecting from the Committee of Foreign Relations some explanations of their views in reporting the resolutions now under consideration, in addition to the general exposition of them contained in the report itself. The committee themselves felt that such explanations were due, inasmuch as they had only reported in part, and had intimated their intention to follow up these resolutions, should they be adopted, by the recommendation of ulterior measures.

The committee, Mr. P. said, after examining the various documents accompanying the President's Message, were satisfied, as he presumed every member of the House was, that all hopes of accommodating our differences with Great Britain by negotiation must be abandoned. When they looked at the correspondence between the two Governments; when they observed the miserable shifts and evasions (for they were entitled to no better appellation) to which Great Britain resorted to excuse the violations of our maritime rights, it was impossible not to perceive that her conduct towards us was not regulated even by her own sense of justice, but solely by a regard to the probable extent of our forbearance. The last six years had been marked by a series of progressive encroachments on our rights; and the principles by which she publicly upheld her aggressions, were as mutable as her conduct. We had seen her one year advancing doctrines, which the year before she had reprobated. We had seen her one day capturing our vessels under pretexts, which on the preceding day she would have been ashamed or afraid to avow. Indeed, said Mr. P., she seems to have been constantly and carefully feeling our pulse, to ascertain what potions we would bear; and if we go on submitting to one indignity after another, it will not be long before we shall see British subjects, not only taking our property in our harbors, but trampling on our persons in the streets of our cities.

Having become convinced that all hopes from further negotiation were idle, the committee, Mr. P. said, were led to the consideration of another question, which was—whether the maritime rights which Great Britain is violating were such as we ought to support at the hazard and expense of a war? And he believed he was correct in stating that the committee was unanimously of the opinion that they were. The committee thought that the Orders in Council, so far as they go to interrupt our direct trade, that is, the carrying of the productions of this country to a market in the ports of friendly nations, and returning with the proceeds of them—ought to be resisted by war. How far we ought to go in support of what is commonly called the carrying trade, although the question was agitated in the committee, no definitive opinion was expressed. It was not deemed necessary, at this time, to express such an opinion, inasmuch as the injury we sustain by the inhibition of this trade is merged in the greater one to our direct trade.

The Orders in Council, Mr. P. said, of which there seemed now to be no prospect of a speedy

repeal—certainly none during the continuance of the present war—authorized the capture of our vessels bound to and from ports where British commerce is not favorably received; and as that nation is at war with most of the civilized world, the effect was (as he understood from those who had much better information on the subject than he could pretend to) to cut up, at once, about three-fourths of our best and most profitable commerce. It was impossible that the mercantile or agricultural interests of the United States, which on the question of a right to the direct trade could never be separated, could submit to such impositions. It was his opinion, that going upon the ground of a mere pecuniary calculation, a calculation of profits and loss, it would be for our interest to go to war to remove the Orders in Council, rather than submit to them, even during the term of their probable continuance.

But there was another point of view in which the subject presented itself to the committee, and that was as regarded the character of the country. We were a young nation, and he hoped we cherished a little pride and spirit, as well as a great deal of justice and moderation. Our situation was not unlike that of a young man just entering into life, and who, if he tamely submitted to one cool, deliberate, intentional indignity, might safely calculate to be kicked and cuffed for the whole of the remainder of his life; or, if he should afterwards undertake to retrieve his character, must do it at ten times the expense which it would have cost him at first to support it. We should clearly understand and define those rights which as a nation we ought to support, and we should support them at every hazard. If there be any such thing as rights between nations surely the people of the United States, occupying the half of a continent, have a right to navigate the seas, without being molested by the inhabitants of the little island of Great Britain.

It was under these views of the subject that the committee did not hesitate to give it as their opinion that we ought to go to war in opposition to the Orders in Council. But as to the extent of the war and the time when it should be commenced, there would of course be some diversity of sentiment in the House, as there was, at first, in the committee.

That we can contend with Great Britain openly and even handed on the element where she injures us, it would be folly to pretend. Were it even in our power to build a navy which should be able to cope with her, no man who has any regard for the happiness of the people of this country would venture to advise such a measure. All the fame and glory which the British navy has acquired at sea, have been dearly paid for in the sufferings and misery of that ill-fated people at home—sufferings occasioned in a great measure by the expense of that stupendous establishment. But without such a navy the United States could make a serious impression upon Great Britain, even at sea. We could have, within six months after a declaration of war, hundreds of privateers in every part of the ocean. We

could harass, if not destroy, the vast and profitable commerce which she is constantly carrying on to every part of this continent. We could destroy her fisheries to the north; we could depredate upon her commerce to the West India islands, which is passing by our doors; we could annoy her trade along the coast of South America; we could even carry the war to her own shores in Europe. But, Mr. P. said, there was another point where we could attack her, and where she would feel our power still more sensibly. We could deprive her of her extensive provinces lying along our borders to the north. These provinces were not only immensely valuable in themselves, but almost indispensable to the existence of Great Britain, cut off as she now is in a great measure from the north of Europe. He had been credibly informed that the exports from Quebec alone amounted, during the last year, to near six millions of dollars, and most of these too in articles of the first necessity—in ship timber and in provisions for the support of her fleets and armies. By carrying on such a war as he had described, at the public expense, on land, and by individual enterprise at sea, we should be able in a short time to remunerate ourselves tenfold for all the spoiliations she had committed on our commerce.

It was with a view to make preparations for such a war, that the committee had offered the resolutions on the table. Whether the means recommended were adequate to the object, or whether they were best adapted to the end, it would be for the House, when they came to discuss them separately, to determine. For himself, Mr. P. said, and he presumed such were the feelings of all the members of the committee, he should have no objections to any modifications of them which might be agreeable to the House, so that the great object was still retained. If these resolutions, or any other similar to them in object, should pass; it was then the intention of the committee, as soon as the forces contemplated to be raised should be in any tolerable state of preparation, to recommend the employment of them for the purposes for which they shall have been raised, unless Great Britain shall, in the mean time, have done us justice. In short, it was the determination of the committee to recommend open and decided war—a war as vigorous and effective as the resources of the country and the relative situation of ourselves and our enemy would enable us to prosecute.

The committee, Mr. P. said, have not recommended this course of measures without a full sense of the high responsibility which they have taken upon themselves. They are aware that war, even in its best and fairest form, is an evil deeply to be deprecated. But it is sometimes, and on few occasions perhaps more than on this, a necessary evil. For myself, I confess I have approached the subject not only with diffidence, but with awe. But I will never shrink from my duty because it is arduous or unpleasant; and I can most religiously declare that I never acted under stronger or clearer convictions of duty than I do now in recommending these preparatory

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measures; or, than I shall ultimately in recommending war, in case Great Britain shall not have rescinded her Orders in Council, and made some satisfactory arrangements in respect to the impressment of our seamen. If there should be any gentlemen in the House who were not satisfied that we ought to go to war for our maritime rights, Mr. P. earnestly entreated that they would not vote for the resolutions. Do not, said he, let us raise armies, unless we intend to employ them. If we do not mean to support the rights and honor of the country, let us not drain it of its resources.

Mr. P. said he was aware that there were many gentlemen in the House who were dissatisfied that the committee had not gone further, and recommended an immediate declaration of war, or the adoption of some measure which would have instantly precipitated us into it. But he confessed such was not his opinion. He had no idea of plunging ourselves headlong into a war with a powerful nation, or even a respectable province, when we had not three regiments of men to spare for that service. He hoped that we should not be influenced by the howlings of newspapers, nor by a fear that the spirit of the Twelfth Congress would be questioned, to abandon the plainest dictates of common sense and common discretion. He was sensible that there were many good men out of Congress, as well as many of his best friends in it, whose appetites were prepared for a war feast. He was not surprised at it, for he knew the provocatives had been sufficiently great. But he hoped they would not insist on calling in the guests, at least, until the table should have been spread. When this was done, he pledged himself, in behalf of the Committee of Foreign Relations, that the gentlemen should not be disappointed of the entertainment for want of bidding; and he believed he might also pledge himself for many of the members of the committee, that they would not be among the last to partake personally, not only in the pleasures, if any there should be, but in all the dangers of the revelry.

Mr. P. said that this was the time and occasion on which, above all others, within his experience, we should act in concert. If the ultimate object of the great body of this House and of this nation was the same, and so far as he had been able to ascertain the sentiments of both, it was—there would be no difficulty in attaining it. But we must yield something to the opinions, and to the feelings of each other. Instead of indulging in party reflections and recriminations in this House, he hoped that the whole of the House and of the Union would form but one party and consider a foreign nation as the other.

Mr. P. said he had risen merely for the purpose of explaining to the House the opinions and views of the committee in relation to the resolutions now to be discussed, and he should be satisfied if he had been so fortunate as to succeed.

The question was then taken on the first resolution for filling the ranks of the present army, &c., and carried.

The second resolution for raising ten thousand regulars being under consideration—

Mr. LITTLE moved to strike out ten thousand and insert fifteen thousand.

Mr. FISK moved to insert thirty thousand.

Mr. ALSTON wished to leave the number subject to the discretion of the President, not exceeding fifty thousand men. If the number was fixed, the President must appoint officers, whether the men were raised or not.

The question was taken on striking out the number ten thousand, &c., and carried by a large majority.

The question now being on the number which was to be inserted in lieu of it—

Mr. PORTER was in favor of a practicable number of regulars, relying on volunteers for effective service as well as regulars.

Mr. LITTLE spoke in support of his motion.

Mr. WRIGHT spoke in favor of a large number of regulars.

Mr. FISK spoke in favor of thirty thousand; he was desirous that our measures should be effectual.

Mr. LITTLE spoke in favor of the House fixing the number, in preference to leaving it discretionary with the Executive.

Mr. NELSON spoke in favor of the number reported by the committee.

Mr. SEYBERT spoke in favor of thirty thousand men. He was desirous of acting efficiently if at all.

Mr. WRIGHT spoke in reply to Mr. NELSON, and in favor of regular troops in preference to volunteers.

Mr. SMILIE thought ten thousand men would be a sufficient number, together with the volunteers, for any object they might be wanted for.

Mr. PORTER proposed that the number should remain blank, as it could be better fixed when the bill was brought in, in pursuance of the resolution.

Mr. NELSON spoke in reply to some observations of Mr. WRIGHT on the relative importance of regulars and volunteers; and Mr. WRIGHT rejoined.

On the suggestion of Mr. D. R. WILLIAMS, the motions to fill the blank created by striking out "ten thousand," were withdrawn; and the resolution, thus varied, was agreed to.

The 3d, 4th, and 5th resolutions, authorizing volunteers, militia, and equipment of our little navy, were agreed to by the Committee of the Whole.

The sixth resolution, to permit our merchant vessels to arm in self-defence, against all unlawful proceedings against them, being under consideration—

Mr. McKEE spoke against it, conceiving it at variance with the system comprised in the other resolutions. He had no idea of merely *resisting*; if attacked, he would retaliate.

Mr. SMILIE supported the resolution. If we were not now in war, he said he verily believed we soon should be.

Mr. WRIGHT took the same ground with Mr.

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McKEE, and moved to amend the resolution by adding thereto words similar to the following: "And if attacked by any vessel contrary to the law of nations, to capture and bring them in for adjudication."

Mr. PORTER explained. The proposed amendment would make the resolution an act of war, which it was not the intention of the committee to declare in this report, or to commence until they had prepared for it.

Mr. WRIGHT's motion was lost.

Mr. McKEE said the parties had joined issue, the pleadings were made up; the case was now to be decided by battle, and not by jury. He, therefore, desired to retain the sinews of our strength, and moved an amendment contemplating an embargo for ninety days on vessels in our ports, &c.

The motion was declared to be out of order.

The sixth resolution was then agreed to.

The Committee rose and reported their agreement to the resolution.

The House took up the report.

The question was put on the first resolution—

Mr. RANDOLPH, wishing time, moved that the report lie on the table.—Motion lost—65 to 50.

The question was then taken on the first resolution, in the following words:

"Resolved, That the Military Establishment, as authorized by the existing laws, ought to be immediately completed by filling up the ranks, and prolonging the enlistment of the troops; and that to encourage enlistments, a bounty in lands ought to be given in addition to the pay and bounty now allowed by law."

The following are the yeas and nays on the question:

YEAS—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, John Baker, David Bard, Josiah Bartlett, Burwell Bassett, William W. Bibb, William Blackledge, Harmanus Bleecker, Thomas Blount, Adam Boyd, James Breckenridge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Martin Chittenden, John Clopton, Thomas B. Cooke, Lewis Condit, William Crawford, Roger Davis, John Dawson, Joseph Desha, Elias Earle, William Ely, James Emott, William Findley, James Fisk, Asa Fitch, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, Philip B. Key, William R. King, Abner Lacock, Joseph Lefever, Joseph Lewis, jr., Peter Little, Robert Le Roy Livingston, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchell, James Morgan, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Thomas Newton, Stephen Ormsby, William Paulding, jr., Joseph Pearson, Israel Pickens, William Piper, Timothy Pitkin, jr., James Pleasants, jr., Benjamin Pond, Peter B. Porter, Josiah Quincy, William Reed, Henry M. Ridgely, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith,

Philip Stuart, Silas Stow, William Strong, George Sullivan, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, John Taliaferro, Uri Tracy, George M. Troup, Charles Turner, jr., Pierre Van Cortlandt, jr., Leonard White, Robert Whitehill, David R. Williams, William Widgery, Thomas Wilson, Richard Winn, and Robert Wright—117.

NAYS—Abijah Bigelow, Elijah Brigham, Epaphroditas Champion, John Davenport, jr., Richard Jackson, jr., Lyman Law, Elisha R. Potter, John Randolph, Richard Stanford, Lewis B. Sturges, and Laban Wheaton—11.

Mr. GOLDSBOROUGH, after expressing his readiness, should war be once determined and declared by the Administration, to go all lengths to support it, but wishing further time for reflection on so important a subject, made a motion to adjourn; which was carried, and the House adjourned.

SATURDAY, December 7.

Mr. PLEASANTS presented a remonstrance and petition of sundry inhabitants of St. Louis, in the Territory of Louisiana, stating the many injuries and inconveniences which would result from a change in their form of government, and praying that no alteration may be made in their said form of government.—Referred to the Committee of the Whole on the bill providing for the government of the said Territory.

Mr. RHEA presented a petition of sundry inhabitants of the Territory of Louisiana, praying that the second grade of Territorial government may be extended to the said Territory.—Referred to the Committee of the Whole on the bill providing for the government of the said Territory.

Mr. LYLE presented a petition of the Synod of Pittsburg, in Pennsylvania, praying that the mails may not be carried, and that post offices may not be kept open on the Sabbath day.—Referred to the Postmaster General, to consider and report thereon to the House.

On motion of Mr. TALLMADGE, the Postmaster General was directed to lay before the House an estimate, in detail, of the expense which would necessarily be incurred to repair the building which has been purchased by the Government for the accommodation of the General Post Office and Patent Office, that the objects for which said purchase was made may be carried into effect.

Mr. JENNINGS, from the committee appointed on the twenty-eighth ultimo, presented a bill to authorize the election of Sheriffs in the Indiana Territory, and for other purposes; which was read twice, and committed to a Committee of the Whole on Friday next.

MONDAY, December 9.

REMISSION OF DUTIES.

Mr. NEWTON, from the Committee of Commerce and Manufactures, made an unfavorable report on the petition of Taylor and Richards; which was concurred in. The report is as follows:

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That the petitioners state, that Gustavus Upton, in October, 1807, purchased, in France, sundry articles of merchandise, which, in the month of February, 1808, were shipped in the *Ceres*, for New York, and the voyage commenced, but which was relanded in consequence of information received, that the British Government had issued orders for the capture of all American vessels bound to or from the ports of France. That no safe opportunity offering for the conveyance of the merchandise to the United States, in December, 1808, when one of the petitioners (Gustavus Upton) left France for Great Britain; having previously given instructions to Messrs. McCarthy and Brothers of Bordeaux to ship the merchandise to the United States directly, if a conveyance could be obtained; and, if not, to forward the same to England, whence, it was supposed, the merchandise might be shipped to the United States, with ease and safety. The petitioners further state, that, on the 12th of April, 1809, a conveyance was engaged for the said merchandise for London, in the ship *Yaug Fran Agena Sophia*, of Kniphausen. On the merchandise arriving in the port of London, liberty to land the same, for sale, was refused, but granted to reship it for the United States; which was done in June, 1809, on board the *Rhadius*, Captain Farly, for New York, and reached that port on the 18th of October, 1809, in contravention of the act of Congress, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," passed the 1st of March, 1809. The petitioners further state, that, on the arrival of the said merchandise at New York, they gave notice thereof to the collector, and that they had no intention of violating any law; that the merchandise, notwithstanding the fair and open procedure of the petitioners, was taken into the custody of the revenue officers, and that, on a petition to the Secretary of the Treasury, in conformity to the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases there-mentioned," he decided that the said merchandise should be delivered to the petitioners, on their payment of costs, double duties on the articles imported contrary to law, and a sum equal to the extra duties imposed by this decision, for the use of the custom house officers at New York; with which decision the petitioners complied. They now pray the National Legislature that the sums of money which they have been made to pay, over and above the legal duties, may be refunded.

The committee can see no great hardship in this case. The merchandise seized was prohibited, and the whole importation, had a prosecution been instituted, would have been condemned as an importation contravening the provisions of the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes," passed the 1st day of March, 1809. The petitioners or shippers must have known that the merchandise was liable to seizure prior to the shipment of the same at London for the United States, the shipment having taken place more than three months subsequent to the passage of the abovementioned act.

So far from being liable to the charge of rigor in the application of law to the petitioners' case, the committee are of opinion that the Secretary of the Treasury exercised the powers with which he is by law invested, with great moderation.

From this view of the subject, the committee beg leave to recommend the adoption of the following resolution:

Resolved, That the prayer of the petition is unreasonable, and ought not to be granted.

FOREIGN RELATIONS.

The House resumed the consideration of the report of the Committee of Foreign Relations.

The question being on the agreement to the second resolution, authorizing the raising an additional regular force—

Mr. GRUNDY, as a member of the committee stated his impression that this was the vital part of the report; and although he had no desire to prolong debate, invited those who were opposed to the report now to come forward and state their objections to it.

Mr. RANDOLPH said, he was an old-fashioned politician. In the days of terror, we shrunk at standing armies; and what is the object now—defence? Who? Freemen who would not defend themselves. He would ask, if seven millions of Americans were to be protected in their lives and liberties by ten thousand vagabonds who were fit food for gunpowder? It would be necessary to know the ulterior views of the committee on this point. It would be proper, before a vote was taken on this resolution, to know for what purpose these additional troops were wanted. The House ought not to commit itself on a question of such magnitude without detailed information. He was as much opposed to raising standing armies now, as he had been in the reign of terror. He had seen too much of the corruptions attendant on these establishments, in the course of the investigation in which he was engaged, not to disclaim all share in the creation of them. The people of the United States could defend themselves, if necessary, and had no idea of resting their defence on mercenaries, picked up from brothels and tippling houses—pickpockets who have escaped from Newgate, &c., and sought refuge in this asylum of oppressed humanity. He contended that this resolution contained an unconstitutional proposition, and that the standing army now in the service of the United States was maintained in the very teeth of that part of the Constitution which declares that no money for the support of a standing army should be appropriated for more than two years. He again called for information as to the object of the army now proposed to be raised; declaring, that, if the President should say they were necessary for the protection of New Orleans, to be employed against the Indians, or to repel incursions from Canada, (although this seemed not to be much thought of,) he should not refuse to grant them. He declared the report to be a negative position, which could not be combated except to disadvantage. He wished to know the Constitutional resources of the committee, and expressed a hope that the remarks he had made would draw out the talents of that body.

Mr. GRUNDY.—I did not expect that the gentleman from Virginia would have made any inquiries into the motives or objects of that committee

of which he himself was a member. He, sir, attended faithfully to his duty, and witnessed every step the committee took. He also saw the report before it was made to this House, and must have heard the exposition of our ulterior measures, as explained by our Chairman. Why, then, sir, shall he now affect not to understand us? Our object, by those who will listen, shall not be misunderstood. And, Mr. Speaker, as I have no political secrets, I feel no hesitation in declaring to you, to this House, and to the nation, the view I have taken of the subject. But before I do this, it is due to the committee that an explanation of their conduct should take place.

So soon as the Committee on our Foreign Relations was appointed, we were forcibly impressed with the serious and highly responsible station you had assigned us; to that committee, consisting of nine members only, were not only the eyes of this House but of the nation turned; and from us, in this, the most troubled season our world has ever known, was it expected, that a course of measures would be recommended, calculated to protect the interests of seven millions of people. Under this impression, Mr. Speaker, we deemed it a duty to take time for deliberation; we thought it better to encounter the charge of having acted in a tardy and dilatory way, than to take a rash step, by which this nation might be plunged into difficulties, from which it could not be easily extricated. We therefore took the necessary time to weigh the arguments both for and against the measures we have recommended; and, as far as we were able, we surveyed the consequences which were to follow from the course we proposed. We foresaw, Mr. Speaker, that our countrymen were to fall in the meditated conflict, and that American blood was to stream afresh. Nor were we unmindful of the expenditure of public treasure. And, sir, what cost me more reflection than everything else was the new test to which we are to put this Government. We are about to ascertain by actual experiment how far our Republican institutions are calculated to stand the shock of war, and whether, after foreign danger disappeared, we can again assume our peaceful attitude, without endangering the liberties of the people.

Against these considerations, weighty in themselves, your committee felt themselves constrained to decide, influenced by existing circumstances of a character too imperious to be resisted: these I will enumerate before I sit down. My business at present is to address a particular portion of the members of this House—I mean, sir, the Republican members—and although what I am about to say might be deemed impolitic on ordinary subjects of legislation, yet, at this time and on this occasion, it would be criminal to conceal a single thought which might influence their determination. We should now, Mr. Speaker, forget little party animosities, we should mingle minds freely, and, as far as we are able, commune with the understandings of each other; and, the decision once made, let us become one people,

and present an undivided front to the enemies of our country.

Republicans should never forget that some years ago a set of men of different politics held the reins of this Government, and drove the car of State; they were charged with being friendly to standing armies in times of peace, and favorable to expensive establishments; not for the purpose of opposing foreign enemies, but to encourage Executive patronage, and to bring these forces to operate upon the people themselves. These measures alarmed the Republicans; they remonstrated, they clamored, they appealed to the people, and by a national sentence, the men then in power were taken down from their high places, and Republican men were put in their seats.

If your minds are resolved on war, you are consistent, you are right, you are still Republicans; but if you are not resolved, pause and reflect, for should this resolution pass, and you then become faint-hearted, remember that you have abandoned your old principles, and trod in the paths of your predecessors.

According to my view of this subject, Mr. Speaker, we now stand on the bank; one movement more, the Rubicon is passed, we are in Italy, and we must march to Rome.

As a member of the committee, I feel no hesitation in saying, that if there be a member here, not determined to go with us, to the extent of our measures, I prefer now to take my leave of him, rather than be deserted when the clouds darken, and the storm thickens upon us.

This admonition I owed to candor—I have paid it, not because I doubted; my purpose is settled, my mind reposes upon it. I may be in an error. If I am, I hope my country will forgive me. From my God I shall never need it, because he knows the purity of my motives.

I will now state the reasons which influenced the committee, in recommending the measures now before us.

It is not the carrying trade, properly so called, about which this nation and Great Britain are at present contending. Were this the only question now under consideration, I should feel great unwillingness (however clear our claim might be) to involve the nation in war, for the assertion of a right, in the enjoyment of which the community at large are not more deeply concerned. The true question in controversy, is of a very different character; it involves the interest of the whole nation: It is the right of exporting the productions of our own soil and industry to foreign markets. Sir, our vessels are now captured when destined to the ports of France, and condemned by the British Courts of Admiralty, without even the pretext of having on board contraband of war, enemies' property, or, having in any other respect violated the laws of nations. These depredations on our lawful commerce, under whatever ostensible pretence committed, are not to be traced to any maxims or rules of public law, but to the maritime supremacy, and pride of the British nation. This hostile and unjust policy of that country towards us,

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is not to be wondered at, when we recollect that the United States are already the second commercial nation in the world. The rapid growth of our commercial importance, has not only awakened the jealousy of the commercial interests of Great Britain, but her statesmen, no doubt, anticipate with deep concern, the maritime greatness of this Republic.

The unjust and unprecedented demands now made by Great Britain, that we shall cause the markets of the Continent to be opened to her manufactures, fully justifies the views I have suggested.

That we as a neutral nation should interfere between belligerents in their municipal regulations, will not be contended for by any one. From the course pursued by that nation for some years past, it evidently appears, that neither public law nor justice, but power alone, is made by her the test of maritime rights.

What, Mr. Speaker, are we now called on to decide? It is, whether we will resist by force the attempt, made by that Government, to subject our maritime rights to the arbitrary and capricious rule of her will; for my part I am not prepared to say that this country shall submit to have her commerce interdicted or regulated, by any foreign nation. Sir, I prefer war to submission.

Over and above these unjust pretensions of the British Government, for many years past they have been in the practice of impressing our seamen, from merchant vessels; this unjust and lawless invasion of personal liberty, calls loudly for the interposition of this Government. To those better acquainted with the facts in relation to it, I leave it to fill up the picture. My mind is irresistibly drawn to the West.

Although others may not strongly feel the bearing which the late transactions in that quarter have on this subject, upon my mind they have great influence. It cannot be believed by any man who will reflect, that the savage tribes, uninfluenced by other Powers, would think of making war on the United States. They understand too well their own weakness, and our strength. They have already felt the weight of our arms; they know they hold the very soil on which they live as tenants at sufferance. How, then, sir, are we to account for their late conduct? In one way only; some powerful nation must have intrigued with them, and turned their peaceful disposition towards us into hostilities. Great Britain alone has intercourse with those Northern tribes; I therefore infer, that if British gold has not been employed, their baubles and trinkets, and the promise of support and a place of refuge if necessary, have had their effect.

If I am right in this conjecture, war is not to commence by sea or land, it is already begun; and some of the richest blood of our country has already been shed. Yes, Mr. Speaker, in one individual has fallen, the honest man, the orator, and the soldier. That he loved his country none can doubt—he died to preserve its honor and its fame—I mean the late commander of the cavalry;

you, sir, who have often measured your strength with his in forensic debate, can attest that he in a good degree, was the pride of the Western country, and Kentucky claimed him as a favorite son. For his loss, with those who fell by his side, the whole Western country is ready to march; they only wait for our permission; and sir, war once declared, I pledge myself for my people—they will avenge the death of their brethren.

Another consideration drawn from our past conduct demands the course we have proposed. In the year 1808, Congress declared that this nation had but three alternatives left—war, embargo, or submission; since that time no advantageous change has taken place in our foreign relations; we now have no embargo, we have not declared war. I then say it, with humiliation, produced by the degradation of my country, we have submitted. Mr. Speaker, I derive no pleasure from speaking in this way of my country, but it is true, and, however painful the truth may be, it should be told.

Another reason operates on my mind; we stand pledged to the French nation to continue in force our non-importation law against Britain; without a violation of national faith we cannot repeal it. What effects is the operation of this law producing? It is demoralizing our citizens; men of commercial habits cannot easily change their course of life; those who have lived in affluence and ease cannot consent to beg for bread. No, sir, they will violate this law, they will smuggle; and, sir, in politics, as in private life, if you wish men to remain virtuous, lead them not into temptation.

This restrictive system operates unequally; some parts of the Union enjoy the same advantages which they possessed when no difficulties attended our foreign relations; others suffer extremely. Ask the Northern man, and he will tell you that any state of things is better than the present; inquire of the Western people why their crops are not equal to what they were in former years, they will answer that industry has no stimulus left, since their surplus products have no markets. Notwithstanding these objections to the present restrictive system, we are bound to retain it—this, and our plighted faith to the French Government, have tied the gordian knot; we cannot untie it; we can cut it with the sword.

This war, if carried on successfully, will have its advantages. We shall drive the British from our Continent—they will no longer have an opportunity of intriguing with our Indian neighbors, and setting on the ruthless savage to tomahawk our women and children. That nation will lose her Canadian trade, and, by having no resting place in this country, her means of annoying us will be diminished. The idea I am now about to advance is at war, I know, with sentiments of the gentleman from Virginia: I am willing to receive the Canadians as adopted brethren; it will have beneficial political effects; it will preserve the equilibrium of the Government. When Louisiana shall be fully peopled, the Northern

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States will lose their power; they will be at the discretion of others; they can be depressed at pleasure, and then this Union might be endangered—I therefore feel anxious not only to add the Floridas to the South, but the Canadas to the North of this empire.

To you, Mr. Speaker, and to the members of this House, my thanks are due for the very patient attention you have paid to my embarrassed remarks.

Mr. WIDGERY next spoke in favor of the report.

Mr. CHEVES followed next in debate, and advocated the report at some length.

Mr. RANDOLPH commenced some observations in reply, and Mr. GRUNDY rose to explain. Before Mr. RANDOLPH resumed his speech, a motion to adjourn was made by Mr. GRUNDY, with a view of giving the opponents of the report time to prepare fully to reply to what had been to-day advanced by its supporters. And the House adjourned.

TUESDAY, December 10.

Another member, to wit: JAMES COCHRAN, from North Carolina, appeared and took his seat.

Mr. MORROW, from the Committee on the Public Lands, to whom was referred the bill from the Senate "for the relief of Thomas O'Bannon," reported the same without amendment; and it was ordered to be read the third time to-morrow.

Mr. GHOLSON, from the Committee of Claims, made a report on the petition of Jared Shattuck, referred the twenty-sixth ultimo; which was read, and referred to a Committee of the Whole on the first Monday in January next.

Mr. NEWTON, from the Committee of Commerce and Manufactures, made an unfavorable report on the petition of Thomas Fishbourn Wharton; which was read, and concurred in.

On motion of Mr. HARPER, the Committee of Ways and Means were instructed to inquire into the expediency of allowing an additional compensation to the Postmaster General; and that they have leave to report by bill, or otherwise.

An engrossed bill for the relief of John Burnham was read the third time, and passed.

An engrossed bill to authorize the laying out a public road from the line established by the Treaty of Greenville, to the North Bend, in the State of Ohio, was read the third time, and passed.

The bill from the Senate, "To authorize the surveying and marking of certain roads, in the State of Ohio, as contemplated by the Treaty of Brownstown, in the Territory of Michigan," was read the third time, and passed.

SPANISH AMERICAN COLONIES.

Mr. MITCHILL, from the committee appointed on that part of the President's Message which relates to the Spanish American Colonies, made a report, in part, thereon; which was read, and referred to a Committee of the Whole on the state of the Union. The report is as follows:

The committee to whom was referred so much of the President's Message as relates to the Spanish American colonies, have, in obedience to the order of the House, deliberately considered the subject before them, and directed a report, in part, to be submitted to the consideration of the House, in the form of a public declaration, as follows:

Whereas several of the American Spanish provinces have represented to the United States that it has been found expedient for them to associate and form Federal Governments upon the elective and representative plan, and to declare themselves free and independent—Therefore, be it

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That they behold, with friendly interest, the establishment of independent sovereignties by the Spanish provinces in America, consequent upon the actual state of the monarchy to which they belonged; that, as neighbors and inhabitants of the same hemisphere, the United States feel great solicitude for their welfare; and that, when those provinces shall have attained the condition of nations, by the just exercise of their rights, the Senate and House of Representatives will unite with the Executive in establishing with them, as sovereign and independent States, such amicable relations and commercial intercourse as may require their Legislative authority.

HOUSE OF REPRESENTATIVES, Dec. 5, 1811.

SIR: In behalf of the committee appointed to consider so much of the President's Message of the 5th of November as relates to the Spanish American provinces, I beg leave to inquire whether it is known to our Government that any of those provinces have declared themselves independent, or that material changes have taken place in their political relations. It is not expected, however, that my request will be understood to extend to those communications which, in the opinion of the Executive, it would be improper to disclose.

Be pleased, sir, to accept the assurances of my high consideration and respect.

SAMUEL L. MITCHILL.

HON. JAMES MONROE.

DEPARTMENT OF STATE, Dec. 9, 1811.

SIR: I have the honor to transmit to you, in compliance with the request contained in your letter of the 5th instant, a copy of the declaration of independence made by the provinces of Venezuela. This act was communicated to this Government by order of the Congress, composed of deputies from those provinces, assembled at Caracas. It is not ascertained that any other of the Spanish provinces have, as yet, entered into similar declarations; but it is known that most, if not all of them, on the continent, are in a revolutionary state. The progress made in that direction by some of them will best appear in the documents which have already been communicated to you. I have the honor to be, &c.

JAMES MONROE.

HON. SAMUEL L. MITCHILL, &c.

The Secretary of State to Messrs. Armstrong and Bowdoin.

DEPARTMENT OF STATE, March 13, 1806.

GENTLEMEN: I have duly received from time to time your several letters, bearing dates the 3d July, the 10th and 15th August, the 10th September, the 3d and 25th October, and the 26th November.

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Previous to the arrival of Mr. Skipwith with your despatches of September 10, our affairs with Spain had undergone the particular consideration of the President, with a reference as well to the change in the state of things in Europe as to the approaching session of Congress; and it had been determined—1. That the manner in which the negotiations at Madrid had been closed by Spain forbade any application whatever to her for a renewal of them; 2. That the case should be presented to Congress, for such provisions as it might be thought to require on their part: 3. That, in the meantime, you should be charged to place before the French Government the necessity to which Spain, by refusing to concur in a diplomatic adjustment of her controversies with the United States, had reduced the latter, of seeking justice by those ulterior measures which the occasion called for. It had also been determined by the President, with a view to enable the French Government, if it should be so disposed, to hasten by its mediating influence on Spain the change in her councils necessary to an amicable adjustment with the United States, and to bring Spain forward for the purpose, that you should be furnished with the terms which Spain might obtain from the United States.

On the receipt of your communications by Mr. Skipwith, the ideas disclosed by the French Government were considered as forming a sufficient basis for an anticipating provision by Congress, such as was made in reference to the convention of the 30th of April, 1803; and it was accordingly determined, in pursuance of that example, to await the meeting of Congress, and lay the subject before them. This was done; and the act and resolutions, of which copies are enclosed, were the result of their discussions; a result which has been delayed by the forms of proceeding, and some variances of opinion on the occasion, longer than might have been wished.

I now enclose the outline and substance of a conventional arrangement adapted to the views expressed by Congress, and such as the President authorizes you to conclude. You will lose no time in imparting it to the French Government in the manner you may deem most expedient; letting it know, at the same time, that no direct communication on the subject has been made to the Spanish Government; that after the reception given by Spain to the overtures made through an extraordinary mission to Madrid, followed by her military and menacing indications within and near the controverted territories, as explained in the annexed extracts, the United States, though ready to meet Spain in negotiation under the auspices of a common friend, do not consider it belonging to them to court a further negotiation in any form; that, consequently, the steps necessary on the part of Spain must be the result either of her own reflections, or of the prudent council which France may undertake to give her.

The President leaves to your own management the expression of those sentiments, which, without any improper concessions on the part of the United States, will best conciliate the French Government to our objects. The ascendancy which it will have over that of Spain, if no change of circumstances intervene, and the preference of an amicable termination of our differences with Spain to an appeal to force, require that every honorable use should be made of the occasion which seems to offer itself.

Should the Emperor still be absent, without authority in any hands at Paris to take measures in concert with you for instituting the business, it must remain with

you to decide according to the probable course of his movements on the most expedient and expeditious mode of holding the necessary communications with his cabinet. Rather than risk a delay which may lose a favorable crisis, it may be even advisable to repair to his military quarters. This is a step, however, to which there may be so many objections, that it will require very strong considerations to recommend it.

As soon as any authority at Paris shall be ready on the part of Spain, you will enter on the subject, and press it to a conclusion with as much celerity and decision as circumstances will justify. The terms stated as your guide require little explanation more than accompanies the several articles. The object with the United States is to secure West Florida, which is essential to their interest, and to obtain East Florida, which is important to them, procuring, at the same time, equitable indemnities from Spain for the injuries for which she is answerable, to all which the proposed exchange of territory and arrangement of the western boundary may be made subservient. The desire manifested by the House of Representatives in the resolution herewith enclosed, that such an exchange and arrangement may be found sufficient, without any price in money, will engage all your attention and exertions. If the exchange stated in the resolution with the Sabine river for our western boundary below the ridge, dividing the waters running into the Mississippi from those running into the gulf westward of the mouth of that river can be obtained, the exchange will be satisfactory, especially if accompanied with a reasonable provision for the indemnities due from Spain to citizens of the United States. If the exchange can be obtained even without this last provision, or including the territory eastward of the Perdido, or any pecuniary payment for the territory westward thereof, it is not to be rejected; but in that case it will be extremely desirable to make the authorized establishment of an interval of territory, not to be settled for a given period, subservient to a provision for indemnities.

In order to determine the price and the payments to Spain for the cession of territory, and to provide indemnities for the spoliations and other injuries for which Spain is responsible, you will add to the preceding articles others proper on those subjects. For the several modifications which will best comport with the convenience of our Treasury, and the sentiments of the Secretary of that Department, I refer to copies of a letter and paper from him, herewith enclosed, stating to you generally for your guide—1. That the sum to be made payable to Spain for her cession is not to exceed five millions of dollars; 2. That as little as possible, and in no event more than two millions, are to be paid prior to the delivery of possession or the ratification; 3. That as ample a provision as possible be made for indemnities, either by constituting a board of commissioners for settling them, or by a sum in gross, sufficient to cover their probable amount, which is not less than four millions of dollars, and distributable by the United States to such claimants, and in such proportions, as may be decided upon under their authority. This last mode of providing for the object will be much the best, if the sum in gross be equal to the amount of claims likely to be allowed by a Board of Commissioners; 4. It is particularly desirable that, in defining the cases to be indemnified, the terms should be such as will embrace those where French subjects or citizens, as well as those where Spanish subjects were the wrong doers. If a sum in gross be stipulated, it may be expected that

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Spain will not object to a definition which will authorize the United States to apply it to both cases, especially if terms be chosen which will not expressly designate the contested French cases; 5. In defining the cases, it will be proper to have in view those of every description which exist—more particularly depredations on the high seas, and unjust or unlawful injuries within the Spanish jurisdiction, whether in Old Spain or her colonies; in a word, all injurious acts, either to the United States or to her citizens, for which the Spanish nation is responsible, according to the principles of justice, equity, treaty, or the law of nations.

I have the honor to be, &c.

JAMES MADISON.

P. S.—Particular care must be taken in case a convention shall be made which does not provide for the spoliation, or for the portion of them, subsequent to the convention of August, 1802, to guard against an abandonment, either express or constructive, of the just claims of our citizens on that account. J. M.

PROJECT OF A CONVENTION.

The United States and His Catholic Majesty being desirous of terminating amicably all controversies now subsisting between them, and of providing more effectually for the maintenance of their future harmony, have appointed, &c.:

ARTICLE 1.—Spain, acknowledging and confirming to the United States West Florida, cedes to them forever the same and East Florida, with the islands and waters thereon respectively depending; or if unattainable in that form, Spain cedes and confirms forever to the United States East and West Florida, with the island waters thereon respectively depending.

Observations on Article 1.—The object in these forms of expressing the cession, is, to date that of West Florida as far at least as to the Perdido, from the date of the cession of Louisiana by France, and thereby invalidate the intervening sales of land, which it is understood have taken place corruptly or unfairly, to a very great extent. If Spain should appear to acquiesce in a more explicit acknowledgment of our right under the French convention as far as the Perdido, it may be well to divide the territory eastward of the Mississippi by a reference to that river, instead of referring to it as divided into East and West Florida.

ART 2.—Possession of the said territory shall be delivered to a person or persons authorized by the United States to receive the same, within — days or less if practicable, after the exchange of the ratifications of this convention. With the said territory shall be delivered all public property, excepting ships and military stores, as also all public archives belonging to the same.

SEC. 2. Within ninety days after delivering possession, or sooner, if possible, the Spanish troops shall evacuate the territory hereby ceded.

SEC. 3. The inhabitants of the ceded territory shall be entitled to the same incorporation into the United States, and to the same protection in their religion, their liberties, and their property, as were stipulated to the inhabitants of the territory ceded to the United States by the treaty of the 30th of April, 1803, with the French Republic.

SEC. 4. With the same motives in view which led to the seventh and eighth articles of the treaty above mentioned, it has been agreed between the contracting parties that the ships of France and Spain shall enjoy, in the ports of the hereby ceded territory, until the term

of the twelve years therein mentioned shall be expired, the same privileges as to trade and duties as are therein stipulated, and during the same space of time no other nation shall have a right to the same privileges in the ports of the hereby ceded territory.

SEC. 5. In future, and forever after the expiration of the said term of twelve years, the vessels of Spain shall be treated upon the footing of the most favored nations in the ports of the hereby ceded territory.

ART. 3.—The boundary between the territory of the United States on the western side of Mississippi, and the possessions of Spain, shall be the Colorado, (or the Gaudaloupe, if attainable,) from its mouth to its most northerly source; thence, a right line to the nearest high lands, enclosing all the waters running directly or indirectly into the Mississippi or Missouri, and along the said highlands as far as they border on the Spanish dominions.

Observations on Article 3.—Although it may not be amiss to urge the claim of the United States to the Rio Bravo, and to propose that for the boundary, it is not expected that one more westwardly than the boundary delineated in this article will be favored by France or admitted by Spain.

ART. 4.—It is agreed that a space extending thirty leagues on each side of the said boundary shall be kept by the parties respectively unsettled for the term of — years; or

A space between the said boundary and some boundary beginning with a river eastward of the Colorado, and westward of the Sabine; or,

A space between the said boundary, and the boundary beginning with the Sabine, and running thence from the source of the Sabine, a straight line, to the confluence of the rivers Osage and Missouri; and from the said confluence, a line running parallel with the Mississippi, to the latitude of its most northernmost source; and thence a meridian to the northern boundary of Louisiana.

Observations on Article 4.—These descriptions of a barrier interval are to be successively yielded according as Spain may be willing to cede thereof her territory eastward of the Mississippi, or to abate in the sum of money to be paid for East Florida, or to be liable in her engagements and provisions for indemnifying our citizens. It being impossible to foresee the various modifications and combinations which the subject may take in the course of negotiation, much must necessarily be left to your own judgment. It is to be understood that, in no event, the country eastward of the Sabine and the line from its source as above referred to, is to be included in the unsettled interval.

ART. 5.—[Here was inserted a copy of the provisions contained in the project of 1804, as to the interval not to be settled.]

Mr. Armstrong to M. Yzquierdo.

PARIS, Sept. 30, 1806.

The undersigned having been informed by the American Chargé d'Affaires at Madrid, that a Minister had been appointed, on the part of His Catholic Majesty, to negotiate a settlement of the several points in controversy between the United States of America and His said Majesty: and having understood from His Majesty's Ambassador at this Court, that M. Yzquierdo was the Minister thus appointed, it becomes the duty of the undersigned to inform His Excellency that Plenipotentiaries commissioned by the President of the United States to fulfil, on his part, this important object, are

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now in Paris, and equally prepared and disposed to enter on the proposed negotiation. The undersigned avails himself of this occasion to offer to M. Yzquierdo the assurance of his very high consideration.

JOHN ARMSTRONG,

Minister Plenipotentiary of the United States.

His Excellency M. YZQUIERDO,
Counsellor of State and of War.

M. Yzquierdo to General Armstrong.

PARIS, October 1, 1806.

The undersigned has received with interest the communications of his Excellency General Armstrong, contained in his note of the 30th September last. He has the honor to make known to him that the negotiations on the different points in controversy between his Government and the United States of America are not within his actual political powers.

The undersigned profits of this occasion to present to his Excellency General Armstrong the assurance of his high consideration.

E. YZQUIERDO,
Counsellor of State, &c.,

Extract—The Secretary of State to Mr. Bowdoin.

MAY 25, 1807.

It is painful to find that the reserve and mystery which have so long enveloped our affairs with Spain still embarrass the efforts to bring them to a proper state. The protracted delay is certainly not a little hazardous to the peace of the two nations, which has thus far been preserved by the moderation of the United States, in spite of the folly of the other party. The conduct of Spain is not easily explained. Several causes have probably united in producing her obstinate repugnance to meet our reasonable overtures; perhaps the most powerful may have been a calculation that she would have, in any event, the support of one or the other of the two great rivals of Europe; and that her dexterity would be able to connect her with whichever of them should ultimately be ascendant. It would seem to be impossible, however, that the crisis can be much longer procrastinated. The obstructions which are thrown in the way of the trade through the Mobile, and even of the use of the river by the Government of the United States for public purposes, and kindling a flame which will not be very manageable. The last letter from Mr. Erving, which was of —, communicated the Spanish decree, co-operating with that of November 21st by the French Emperor, which is in terms giving equal latitude with its prototype for depredations on our commerce, and which, if so executed, will add fuel to the flame. Mr. Erving promised that his next letter would not only give explanations on that subject, but have something to say as to our affairs generally with the Spanish Government.

Extract—Mr. Madison, Secretary of State, to General Armstrong and Mr. Bowdoin.

DEPARTMENT OF STATE, July 15, 1807.

The enclosed copy of a proclamation, by the President, will inform you of a late extraordinary hostility and insult committed by a British ship of war on a frigate of the United States, near the Capes of Virginia, and of the measures taken by the President in consequence of the outrage. The subsequent proceedings of the British squadron in our waters have borne a like stamp of hostility; and although it may be found

that these provocations have not issued from, or may be disavowed and expiated by the British Government, it may also be found that the United States must take on themselves the reparation that is due to them. For his event it is necessary to be prepared, as well with a view to our finances as to other resources and arrangements.

In this state of things, the President, taking into consideration the objections to an application of the public funds to objects not immediately connected with the public safety, instructs you to suspend the negotiations for the purchase of the Floridas, unless it shall be agreed by Spain that payment for them shall, in case of a rupture between Great Britain and the United States, be postponed till the end of one year after they shall have settled their differences; and that, in the meantime, no interest shall be paid on the debt. You will, of course, understand it to be inconsistent with this instruction either to draw on the Treasury, or to obtain a credit in Europe, for any part of the sum allotted for the purchase of the Floridas.

Shall a bargain have been made for the Floridas, and payments stipulated, as contemplated by former instructions, you will press in the most serious and emphatic manner, a re-modification of the terms which will adjust them to the instructions here given. Such a compliance may justly be expected in return for the advantages which Spain and her allies will derive in various respects from a contest between this country and their enemy. It may further be expected that, in consideration of these advantages to them, and of the general effect of war, or even a cessation of commerce with Great Britain, on the pecuniary faculties of the United States, the price demanded for the Floridas will be at least greatly reduced. To this consideration it may be added, that, whilst the pecuniary faculties of the United States will be so materially benumbed in the event of a rupture with Great Britain, those of Spain may be essentially aided, by the facility which that event will give to the command of her South American treasures through the United States. Finally, it is not unworthy of consideration, that the introduction of hostile relations between the United States and Great Britain, may remove objections hitherto felt by the latter to enterprises against the Floridas, and lead to a military occupancy of them with views very adverse to the policy of Spain.

Should Spain still obstinately persist in rejecting or retarding an arrangement concerning the Floridas, she must at least see the necessity of hastening a satisfactory one on other subjects, particularly in the case of the Mobile, for the free use of which, by the United States, orders ought to be sent without a moment's delay.

The President leaves to your own discretion the use to be made of observations of this kind, and entertains an entire confidence that your management of the whole business will be such as will best comport with the circumstances of the crisis, and conduce most to the object entrusted to you.

Extract—Mr. Smith, Secretary of State, to General Armstrong.

DEPARTMENT OF STATE,
March 15, 1809.

From the enclosed report of the Secretary of the Treasury, you will perceive that the appropriation of the two millions of dollars for the purchase of Florida, having expired on the 31st December last, has been

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carried to the credit of the surplus fund. From this and other considerations, it is deemed expedient, at present, to suspend the negotiation in relation to that subject.

Mr Foster to Mr. Monroe.

WASHINGTON, July 2, 1811.

SIR: The attention of His Majesty's Government has of late been called to the measures pursued by the United States for the military occupation of West Florida. The language held by the President at the opening of the late session of Congress, the hostile demonstrations made by the American forces under Captain Gaines, the actual summoning of the fort of Mobile, and the bill submitted to the approbation of the American Legislature for the interior administration of the province, are so many direct and positive proofs that the Government of America is prepared to subject the province of West Florida to the authority of the United States.

The Spanish Minister in London, addressed a note, in the month of March last, to His Majesty's Secretary of State for Foreign Affairs, expressing, in sufficient detail, the feelings of the Government of Spain respecting this unprovoked aggression on the integrity of that monarchy.

Mr. Morier, in his note to Mr. Smith of December 15, 1810, has already reminded the American Government of the intimate alliance subsisting between His Majesty and Spain, and he has desired such explanations on the subject as might convince His Majesty of the pacific disposition of the United States towards Spain. Mr. Smith, in his reply, has stated that it was evident that no hostile or unfriendly purpose was entertained by America towards Spain; and that the American Minister at His Majesty's Court had been enabled to make whatever explanations might comport with the frank and conciliatory spirit which had been invariably manifested on the part of the United States.

Since the date of his correspondence, Mr. Pinkney has offered no explanation whatever of the motives which have actuated the conduct of the United States in this transaction; a bill has been introduced into Congress for the establishment, government, and protection, of the Territory of Mobile, and the fortress of that name has been summoned without effect.

His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty, is still willing to hope that the American Government has not been urged to this step by ambitious motives, or by a desire of foreign conquest and territorial aggrandizement. It would be satisfactory, however, to be enabled to ascertain that no consideration connected with the present state of Spain has induced America to despoil that monarchy of a valuable foreign colony.

The Government of the United States contends that the right to the possession of a certain part of West Florida will not be less open to discussion in the occupation of America than under the Government of Spain.

But the Government of the United States, under this pretext, cannot expect to avoid the reproach which must attend the ungenerous and unprovoked seizure of a foreign colony, while the parent State is engaged in a noble contest for independence, against a most unjustifiable and violent invasion of the rights both of the monarch and people of Spain.

While I wait, therefore, for an explanation from you,

sir, as to the motives which led to this unjust aggression by the United States on the territories of His Majesty's ally, I must consider it as my duty to lose no time in fulfilling the orders of His Royal Highness the Prince Regent, by which I am commanded, in the event of its appearing on my arrival in this city that the United States still persevere, by menaces and actual demonstration, to claim the military occupation of West Florida, notwithstanding the remonstrances of His Majesty's Chargé des Affaires, and the manifest injustice of the act, to present to you the solemn protest of His Royal Highness in the name and on the behalf of His Majesty, against an attempt so contrary to every principle of public justice, faith, and national honor, and so injurious to the alliance subsisting between His Majesty and the Spanish nation.

I have the honor to be, &c.

AUGUSTUS J. FOSTER.

The Hon. JAMES MONROE, &c.

Mr. Monroe to Mr. Foster.

DEPARTMENT OF STATE, July 8, 1811.

SIR: I have had the honor to receive the note which you have presented by the order of His Royal Highness, the Prince Regent, to protest, in behalf of the Regency of Spain, against the possession lately taken by the United States of certain parts of West Florida.

Although the President cannot admit the right of Great Britain to interfere in any question relating to that province, he is willing to explain, in a friendly manner, the considerations which induced the United States to take the step against which you have been ordered to protest.

It is to be inferred, from your view of the subject, that the British Government has been taught to believe that the United States seized a moment of national embarrassment to wrest from Spain a province to which they had no right, and that they were prompted to it by their interest alone, and a knowledge that Spain could not defend it. Nothing, however, is more remote from the fact than the presumption on which your Government appears to have acted. Examples of so unworthy a conduct are unfortunately too frequent in the history of nations; but the United States have not followed them. The President had persuaded himself that the unequivocal proofs which the United States have given, in all their transactions with foreign Powers, and particularly with Spain, of an upright and liberal policy, would have shielded them from such unmerited a suspicion. He is satisfied that nothing is wanting but a correct knowledge of facts completely to dissipate it.

I might bring to your view a long catalogue of injuries which the United States have received from Spain since the conclusion of their Revolutionary war, any one of which would most probably have been considered cause of war, and resented as such, by other Powers. I will mention two of these only; the spoiliations that were committed on their commerce to a great amount in the last war, and the suppression of their deposit at New Orleans just before the commencement of the present war, in violation of a solemn treaty; for neither of which injuries has any reparation or atonement been made. For injuries like those of the first class, it is known to you that Great Britain and France made indemnity. The United States, however, do not rely on these injuries for a justification of their conduct in this transaction, although their claims

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to reparation for them are by no means relinquished, and, it is to be presumed, will not always be neglected.

When I inform you that the province of West Florida to the Perdido was a part of Louisiana, while the whole province formerly belonged to France; that, although it was afterwards separated from the other part, yet that both parts were again reunited in the hands of Spain, and by her reconveyed to France, in which state the entire province of Louisiana was ceded to the United States in 1803; that, in accepting the cession and paying for the territory ceded, the United States understood and believed that they paid for the country as far as the Perdido, as part of Louisiana; and that, on a conviction of their right, they included in their laws provisions adapted to the cession in that extent, it cannot fail to be a cause of surprise to the Prince Regent that they did not proceed to take possession of the territory in question as soon as the treaty was ratified. There was nothing in the circumstances of Spain at that time that could have forbidden the measure. In denying the right of the United States to this territory, her Government invited negotiation on that, and every other point, in contestation between the parties. The United States accepted the invitation in the hope that it would secure an adjustment and reparation for every injury which had been received, and lead to the restoration of perfect harmony between the two countries: but in that hope they were disappointed.

Since the year 1805, the period of the last negotiation with Spain, the province of West Florida has remained in a situation altogether incompatible with the welfare of these States. The Government of Spain has scarcely been felt there; in consequence of which the affairs of that province had fallen into disorder. Of that circumstance, however, the United States took no advantage. It was not until the last year, when the inhabitants, perceiving that all authority over them had ceased, rose in a body with intention to take the country into their own hands, that the American Government interposed. It was impossible for the United States to behold, with indifference, a movement in which they were so deeply interested. The President would have incurred the censure of the nation, if he had suffered that province to be wrested from the United States, under a pretext of wresting it from Spain. In taking possession of it, in their name, and under their authority, except in the part which was occupied by the Spanish troops, who have not been disturbed, he defended the rights and secured the peace of the nation, and even consulted the honor of Spain herself. By this event the United States have acquired no new title to West Florida. They wanted none. In adjusting hereafter all the other points which remain to be adjusted with Spain, and which it is proposed to make the subject of amicable negotiation as soon as the Government of Spain shall be settled, her claim to this territory may also be brought into view, and receive all the attention which is due to it.

Aware that this transaction might be misconceived and misrepresented, the President deemed it a proper subject of instruction to the Ministers of the United States at foreign Courts, to place it in a true light before them. Such an instruction was forwarded to Mr. Pinkney, their late Minister Plenipotentiary at London, who would have executed it, had not the termination of his mission prevented it. The President cannot doubt that the frank and candid explanation which I have now given, by his order, of the considerations which induced the United States to take

possession of this country will be perfectly satisfactory to His Royal Highness the Prince Regent.

With great respect and consideration, &c.

JAS. MONROE.

AUGUSTUS J. FOSTER, Esq., &c.

Mr. Foster to Mr. Monroe.

PHILADELPHIA, September 5, 1811.

SIR: The Chevalier De Onis, who has been appointed Minister from His Catholic Majesty to the United States, has written to inform me that he understands, by letters from the Governor of East Florida, under date of the 14th ult., that Governor Matthews, of the State of Georgia, was at that time at Newtown, St. Mary's, on the frontiers of Florida, for the purpose of treating with the inhabitants of that province for its being delivered up to the United States' Government; that he was, with this view, using every method of seduction to effect his purpose, offering to each white inhabitant, who would side with him, fifty acres of land, and the guarantee of his religion and property; stipulating, also, that the American Government would pay the debts of the Spanish Government, whether due in pensions or otherwise, and that he would cause the officers and soldiers of the garrisons to be conveyed to such place as should be indicated, provided they did not rather choose to enter into the service of the United States.

M. De Onis has done me the honor to communicate to me a note, which he purposes transmitting to you, sir, in consequence of this detailed and most extraordinary intelligence, and considering the intimate alliance subsisting between Spain and Great Britain, as well as the circumstances under which he is placed in this country, he has urgently requested that I would accompany his representation with a letter on my part in support of it.

After the solemn asseverations, which you gave me, in the month of July, that no intentions hostile to the Spanish interests in Florida existed on the part of your Government, I am wholly unable to suppose that Governor Matthews can have had orders from the President for the conduct which he is stated to be pursuing; but the measures he is said to be taking in corresponding with traitors, and in endeavoring, by bribery and every art of seduction, to infuse a spirit of rebellion into the subjects of the King of Spain in those quarters, are such as to create the liveliest inquietude, and to call for the most early interference on the part of the Government of the United States.

The Government of the United States are well aware of the deep interest which His Royal Highness, the Prince Regent, takes in the security of Florida, for any attempt to occupy the eastern part of which by the United States, not even the slightest pretext could be alleged, such as were brought forward in the endeavor to justify the aggression on West Florida.

I conceive it, therefore, to be my duty, sir, in consideration of the alliance subsisting between Spain and Great Britain, and the interests of His Majesty's subjects in the West India islands, so deeply involved in the security of East Florida, as well as in pursuance of the orders of my Government, in case of any attempt against that country, to lose no time in calling upon you for an explanation of the alarming steps which Governor Matthews is stated to be taking for subverting the Spanish authority in that country, requesting to be informed by you upon what authority he can be

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acting, and what measures have been taken to put a stop to his proceedings.

I have the honor to be, &c.

AUGUSTUS J. FOSTER.

Hon. JAMES MONROE, &c.

Mr. Monroe to Mr. Foster.

NOVEMBER 2, 1811.

SIR: I have had the honor to receive your letter of September 5th, and to submit it to the view of the President.

The principles which have governed the United States in their measures relative to West Florida, have already been explained to you. With equal frankness, I shall now communicate the part they have acted with respect to East Florida.

In the letter which I had the honor to address to you on the 8th of July, I stated the injuries which the United States had received from Spain, since their Revolutionary war, and particularly by spoiliations on their commerce in the last war, to a great amount, and of the suppression of their right of deposit at New Orleans, just before the commencement of the present war, for neither of which had reparation been made. A claim to indemnity for these injuries is altogether unconnected with the question relating to West Florida, which was acquired by cession from France in 1803.

The Government of Spain has never denied the right of the United States to a just indemnity for spoiliations on their commerce. In 1802, it explicitly admitted this right by entering into a convention, the object of which was to adjust the amount of the claim, with a view to indemnity. The subsequent injury, by the suppression of the deposit at New Orleans, produced an important change in the relations between the parties, which has never been accommodated. The United States saw in that measure eminent cause of war, and that war did not immediately follow, cannot be considered in any other light than as a proof of their moderation and pacific policy. The Executive could not believe that the Government of Spain would refuse to the United States the justice due to these accumulated injuries, when the subject should be brought solemnly before it, by a special mission. It is known that an Envoy Extraordinary was sent to Madrid, in 1805, on this subject, and that the mission did not accomplish the object intended by it.

It is proper to observe that, in the negotiation with Spain, in 1805, the injuries complained of by the United States of the first class, were again substantially admitted to a certain extent, as was that also occasioned by the suppression of the deposit at New Orleans, although the Spanish Government, by disclaiming the act, and imputing it to the Intendant, sought to avoid the responsibility due from it; that, to make indemnity to the United States for injuries of every kind a cession of the whole territory claimed by Spain eastward of the Mississippi was made the subject of negotiation, and that the amount of the sum demanded for it was the sole cause that a treaty was not then formed, and the territory ceded.

The United States have considered the Government of Spain indebted to them a greater sum for the injuries above stated, than the province of East Florida can, by any fair standard between the parties, be estimated at. They have looked to this province for their indemnity, and, with the greater reason, because the Government of Spain itself has countenanced it. That they have suffered their just claims to remain so long

unsatisfied, is a new and strong proof of the moderation, as it is of their respect for the disordered condition of that Power. There is, however, a period beyond which those claims ought not to be neglected. It would be highly improper for the United States, in their respect for Spain, to forget what they owe to their own character, and to the rights of their injured citizens.

Under these circumstances, it would be equally unjust and dishonorable in the United States to suffer East Florida to pass into the possession of any other Power. Unjust, because they would thereby lose the only indemnity within their reach, for injuries which ought long since to have been redressed. Dishonorable, because, in permitting another Power to wrest from them that indemnity, their inactivity and acquiescence could only be imputed to unworthy motives. Situated as East Florida is, cut off from the other possessions of Spain, and surrounded in a great measure by the territory of the United States, and having also an important bearing on their commerce, no other Power could think of taking possession of it, with other than hostile views to them. Nor could any other Power take possession of it without endangering their prosperity and best interests.

The United States have not been ignorant or inattentive to what has been agitated in Europe, at different periods, since the commencement of the present war, in regard to the Spanish provinces in this hemisphere; nor have they been unmindful of the consequences into which the disorders of Spain might lead, in regard to the provinces in question, without due care to prevent it. They have been persuaded that remissness, on their part, might invite the danger, if it had not already done it, which it is so much their interest and desire to prevent. Deeply impressed with these considerations, and anxious, while they acquitted themselves to the just claims of their constituents, to preserve friendship with other Powers, the subject was brought before the Congress at its last session, when an act was passed authorizing the Executive to accept possession of East Florida from the local authorities, or to take it against the attempt of a foreign Power to occupy it, holding it in either case subject to future and friendly negotiation. This act, therefore, evinces the just and amicable views by which the United States have been governed towards Spain, in the measure authorized by it. Our Ministers at London and Paris were immediately apprized of the act, and instructed to communicate the purport of it to both Governments, and to explain, at the same time, in the most friendly manner, the motives which led to it. The President could not doubt that such an explanation would give all the satisfaction that was intended by it. By a late letter from the American Chargé d'Affaires at London, I observe that this explanation was made to your Government in the month of — last. That it was not sooner made was owing to the departure of the Minister Plenipotentiary of the United States before the instruction was received.

I am persuaded, sir, that you will see, in this view of the subject, very strong proof of the just and amicable disposition of the United States towards Spain, of which I treated in the conference to which you have alluded. The same disposition still exists, but it must be understood that it cannot be indulged longer than may comport with the safety as well as with the rights and honor of the nation. I have the honor to be, &c.

JAS. MONROE.

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FOREIGN RELATIONS.

The order of the day being called for, the SPEAKER observed, that the gentleman from Virginia on the right of the Chair was entitled to the floor.

Mr. RANDOLPH said that if any other gentleman had any observations to make on the question, he would feel obliged to him if he would offer them then; as he was much exhausted by the fatigues of the morning, and would be glad of a little time to recruit his wasted strength and spirits.

After a considerable pause—no gentleman having manifested a disposition to speak.

Mr. RANDOLPH rose. He expressed his sense of the motive which had induced the gentleman from Tennessee (Mr. GRUNDY) to move the adjournment, yesterday, and of the politeness of the House in granting it; at the same time declaring that in point of fact he had little cause to be thankful for the favor, well intended as he knew it to have been—since he felt himself even less capable of proceeding with his argument, than he had been on the preceding day.

It was a question, as it had been presented to the House, of peace or war. In that light it had been argued; in no other light could he consider it, after the declarations made by members of the Committee of Foreign Relations. Without intending any disrespect to the Chair, he must be permitted to say, that if the decision yesterday was correct, "That it was not in order to advance any arguments against the resolution, drawn from topics before other committees of the House," the whole debate, nay, the report itself on which they were acting, was disorderly; since the increase of the military force was a subject at that time in agitation by the select committee raised on that branch of the President's Message. But it was impossible that the discussion of a question broad as the wide ocean of our foreign concerns—involving every consideration of interest, of right, of happiness and of safety at home—touching, in every point, all that was dear to freemen, "their lives, their fortunes, and their sacred honor"—could be tied down by the narrow rules of technical routine. The Committee of Foreign Relations had indeed decided that the subject of arming the militia (which he had pressed upon them as indispensable to the public security) did not come within the scope of their authority. On what ground, he had been and still was unable to see, they had felt themselves authorized (when that subject was before another committee) to recommend the raising of standing armies, with a view (as had been declared) of immediate war—a war not of defence, but of conquest, of aggrandizement, of ambition; a war foreign to the interest of this country, to the interests of humanity itself.

He knew not how gentlemen, calling themselves Republicans, could advocate such a war. What was their doctrine in 1798-9, when the command of the army—that highest of all possible trusts in any Government, be the form what it may—was reposed in the bosom of the Father of his Country, the sanctuary of a nation's love,

the only hope that never came in vain! When other worthies of the Revolution—Hamilton, Pinckney, and the younger Washington—men of tried patriotism, of approved conduct and valor, of untarnished honor, held subordinate command under him! Republicans were then unwilling to trust a standing army, even to his hands who had given proof that he was above all human temptation. Where now is the Revolutionary hero to whom you are about to confide this sacred trust? To whom will you confide the charge of leading the flower of our youth to the Heights of Abraham? Will you find him in the person of an acquitted felon? What! then you were unwilling to vote an army where such men as had been named held high command! when WASHINGTON himself was at the head—did you then show such reluctance, feel such scruples; and are you now nothing loth, fearless of every consequence? Will you say that your provocations were less then than now? When your direct commerce was interdicted—your Ambassadors hooted with derision from the French Court—tribute demanded—actual war waged upon you!

Those who opposed the army then, were indeed denounced as the partisans of France; as the same men—some of them at least—are now held up as the advocates of England; those firm and undeviating Republicans, who then dared, and now dare, to cling to the ark of the Constitution, to defend it even at the expense of their fame, rather than surrender themselves to the wild projects of mad ambition! There was a fatality attending plenitude of power. Soon or late, some mania seizes upon its possessors—they fall from the dizzy height through the giddiness of their own heads. Like a vast estate, heaped up by the labor and industry of one man, which seldom survives the third generation—power, gained by patient assiduity, by a faithful and regular discharge of its attendant duties, soon gets above its own origin. Intoxicated with their own greatness the Federal party fell. Will not the same causes produce the same effects now, as then? Sir, you may raise this army, you may build up this vast structure of patronage, this mighty apparatus of favoritism; but—"lay not the flattering unction to your souls"—you will never live to enjoy the succession. You sign your political death warrant.

Mr. R. here adverted to the provocation to hostilities from shutting up the Mississippi by Spain in 1803—but more fully to the conduct of the House in 1805-6, under the strongest of all imaginable provocatives to war; the actual invasion of our country. He read various passages from the President's public Message of December 3, 1805.

"Our coasts have been infested and our harbors watched by private armed vessels; some of them without commissions, some with illegal commissions, others with those of legal form, but committing acts beyond the authority of their commissions." [These Mr R. stated to have been Spanish and French corsairs, fitted out chiefly in the western ports of Cuba—the English cruisers complained of in the same Message, having

regular commissions and carrying their prizes into port for adjudication.] "They have captured in the very entrance of our harbors, as well as on the high seas, not only the vessels of our friends coming to trade with us, but our own also. They have carried them off under pretence of legal adjudication, but not daring to approach a court of justice, they have plundered and sunk them by the way, or in obscure places, where no evidence could arise against them; maltreated the crews, and abandoned them in the open sea, or on desert shores, without food or covering."

"With Spain our negotiations for a settlement of differences have not had a satisfactory issue. Spoiliations during the former war, for which she had formally acknowledged herself responsible, have been refused to be compensated but on conditions affecting other claims," [those for French spoiliations carried into Spanish ports,] "in no wise connected with them. Yet the same practices are renewed in the present war, and are already of great amount. On the Mobile, our commerce passing through that river, continues to be obstructed by arbitrary duties, and vexatious searches. Propositions for adjusting amicably the boundaries of Louisiana have not been acceded to. While, however, the right is unsettled, we have avoided changing the state of things, by taking new posts or strengthening ourselves in the disputed territories, in the hope that the other Power would not, by a contrary conduct, oblige us to meet their example, and endanger conflicts of authority, the issue of which may not be easily controlled. But in this hope we have now reason to lessen our confidence. Inroads have been recently made into the Territories of Orleans and the Mississippi." [Bourbon county, part of the State of Georgia, of the good old thirteen States!]" "Our citizens have been seized, and their property plundered, in the very ports of the former which had been actually delivered up by Spain, and this by the regular officers and soldiers of that Government. I have, therefore, found it necessary to give orders to our troops on that frontier, to be in readiness to protect our citizens, and repel by arms any similar aggressions in future."

Mr. R. said, that, on the 6th of December, (three days afterwards) a secret Message was received from the President, which was referred to a committee of which it was his fate to be Chairman. Its complexion might be gathered from the report upon it, for the Message itself is not inserted in the secret Journal, since ordered to be printed. He read the report:

"The committee have beheld, with just indignation, the hostile spirit manifested by the Court of Madrid towards the Government of the United States, in withholding the ratification of its convention with us, although signed by its own Minister, under the eye of his Sovereign, unless with alterations of its terms, affecting claims of the United States, which, by the express conditions of the instrument itself, were reserved for future discussion; in piratical depredations upon our fair commerce; in obstructing the navigation of the Mobile; in refusing to come to any fair and amicable adjustment of the boundaries of Louisiana; and in a daring violation, by persons acting under the authority of Spain, and, no doubt, apprized of her sentiments and views of our undisputed limits, which she had solemnly recognised by her treaty.

"To a Government having interests distinct from

those of its people, and disregarding their welfare, here is ample cause for a formal declaration of war, on the part of the United States, and such, did they obey the impulse of their feeling alone, is the course which the committee would not hesitate to recommend: but to a Government identified with the citizens, too far removed from the powerful nations of the earth for its safety to be endangered by their hostility, peace must always be desirable, so long as it is compatible with the honor and interest of the community.

"Whilst the United States continue burdened with a debt which annually absorbs two-thirds of their revenue, and duties upon imports constitute the only resource from which that revenue can be raised, without resorting to systems of taxation not more ruinous and oppressive than they are uncertain and precarious, the best interests of the Union cry aloud for peace. When that debt shall have been discharged, and the resources of the nation thereby liberated, then may we rationally expect to raise, even in time of war, the supplies which our frugal institutions require, without recurring to the hateful, destructive expedient of loans: then, and not till then, may we bid defiance to the world. The present moment is peculiarly auspicious for this great and desirable work. Now, if ever, the national debt is to be paid by such financial arrangements as will accelerate its extinction, by reaping the rich harvest of neutrality, and thus providing for that diminution of revenue which experience teaches us to expect on the general pacification of Europe. And the committee indulge a hope, that, in the changed aspect of affairs in that quarter, Spain will find motives for a just fulfilment of her stipulations with us, and an amicable settlement of limits, upon terms not more beneficial to the United States than advantageous to herself, securing to her an ample barrier on the side of Mexico, and to us the countries watered by the Mississippi, and to the eastward of it. But, whilst the committee perceive, in the general uproar of Europe, a state of things peculiarly favorable to the peaceable pursuit of our best interests, they are neither insensible to the indignity which has been offered on the part of Spain, nor unwilling to repel similar outrage. On the subject of self defence, when the Territory of the United States is insulted, there can be but one opinion, whatever differences may exist on the question, whether that protection which a vessel finds in our harbors, shall be extended to her, by the nation, in the Indian or Chinese seas. Under this impression the committee submit the following resolution; the annexed letter from the Secretary of War will explain why it is not more explicit.

"Resolved, That such number of troops (not exceeding —) as the President of the United States shall deem sufficient to protect the Southern frontier of the United States, from Spanish inroads and insult, and to chastise the same, be immediately raised."

Mr. R. said, that the peculiar situation of the frontier, at that time insulted, had alone induced the committee to recommend the raising of regular troops. It was too remote from the population of the country for the militia to act, in repelling and chastising Spanish incursion. New Orleans and its dependencies were separated by a vast extent of wilderness from the settlements of the old United States; filled with a disloyal and turbulent people, alien to our institutions, language, and manners, and disaffected towards

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our Government. Little reliance could be placed upon them, and it was plain, that if "it was the intention of Spain to advance on our possessions until she should be repulsed by an opposing force," that force must be a regular army, unless we were disposed to abandon all the country south of Tennessee. That if "the protection of our citizens and the spirit and the honor of our country required that force should be interposed," nothing remained but for the Legislature to grant the only practicable means, or to shrink from the most sacred of all its duties—to abandon the soil and its inhabitants to the tender mercy of hostile invaders.

Yet this report, moderate as it was, had been deemed of too strong a character by the House. It was rejected: and, at the motion of a gentleman from Massachusetts, (Mr. BIDWELL,)—who had since taken a great fancy also to Canada, and marched off thither, in advance of the Committee of Foreign Relations—" \$2,000,000 were appropriated toward," (not in full of) "any extraordinary expense which might be incurred in 'the intercourse between the United States and 'foreign nations:'" in other words, to buy off, at Paris, Spanish aggressions at home.

Was this fact given in evidence of our impartiality towards the belligerents?—that to the insults and injuries and actual invasion of one of them we opposed not bullets, but dollars; that to Spanish invasion we opposed money, whilst for British aggression on the high seas we had arms; offensive war? But Spain was then shielded, as well as instigated, by a greater Power. Hence our respect for her. Had we at that time acted as we ought to have done in defence of rights, of the *natale solum* itself, we should (he felt confident) have avoided that series of insult, disgrace, and injury, which had been poured out upon us in long unbroken succession. We would not then raise a small regular force for a country where the militia could not act, to defend our own Territory; now, we are willing to levy a great army, for now it must be, to accomplish the proposed object, for a war of conquest and ambition—and this, too, at the very entrance of the "Northern Hive," of the strongest part of the Union.

An insinuation had fallen from the gentleman from Tennessee, (Mr. GRUNDY,) that the late massacre of our brethren on the Wabash had been instigated by the British Government. Has the President given any such information? has the gentleman received any such, even informally, from any officer of this Government? Is it so believed by the Administration? He had cause to think the contrary to be the fact; that such was not their opinion. This insinuation was of the grossest kind—a presumption the most rash, the most unjustifiable. Show but good ground for it, he would give up the question at the threshold—he was ready to march to Canada. It was indeed well calculated to excite the feelings of the Western people particularly, who were not quite so tenderly attached to our red brethren as some modern philosophers; but it was destitute

of any foundation, beyond mere surmise and suspicion. What would be thought, if, without any proof whatsoever, a member should rise in his place and tell us, that the massacre in Savannah, a massacre perpetrated by civilized savages, with French commissions in their pockets, was excited by the French Government? There was an easy and natural solution of the late transaction on the Wabash, in the well known character of the aboriginal savage of North America, without resorting to any such mere conjectural estimate. He was sorry to say that for this signal calamity and disgrace the House was, in part, at least, answerable. Session after session, their table had been piled up with Indian treaties, for which the appropriations had been voted as a matter of course, without examination. Advantage had been taken of the spirit of the Indians, broken by the war which ended in the Treaty of Greenville. Under the ascendancy then acquired over them, they had been pent up by subsequent treaties into nooks, straightened in their quarters by a blind cupidity, seeking to extinguish their title to immense wildernesses, for which, (possessing, as we do already, more land than we can sell or use) we shall not have occasion, for half a century to come. It was our own thirst for territory, our own want of moderation, that had driven these sons of nature to desperation, of which we felt the effects.

Mr. R., although not personally acquainted with the late Colonel Daviess, felt, he was persuaded, as deep and serious regret for his loss as the gentleman from Tennessee himself. He knew him only through the representation of a friend of the deceased (Mr. ROWAN) sometime a member of that House; a man, who, for native force of intellect, manliness of character, and high sense of honor, was not inferior to any that had ever sat there. With him he sympathized in the severest calamity that could befall a man of his cast of character. Would to God they were both then on the floor! From his personal knowledge of the one, he felt confident that he would have his support—and he believed (judging of him from the representation of their common friend) of the other also.

He could but smile at the liberality of the gentleman, in giving Canada to New York, in order to strengthen the Northern balance of power, while at the same time he forwarned her that the Western scale must preponderate. Mr. R. said he could almost fancy that he saw the Capitol in motion towards the falls of Ohio—after a short sojourn taking its flight to the Mississippi, and finally alighting on Darien; which, when the gentleman's dreams are realized, will be a most eligible seat of Government for the new Republic (or Empire) of the two Americas! But it seemed that "in 1803 we talked and acted foolishly," and to give some color of consistency to that folly, we must now commit a greater. Really he could not conceive of a weaker reason offered in support of a present measure, than the justification of a former folly. He hoped we should act a wiser part—take warning by our follies, since we

had become sensible of them, and resolve to talk and act foolishly no more. It was indeed high time to give over such preposterous language and proceedings.

This war of conquest, a war for the acquisition of territory and subjects, is to be a new commentary on the doctrine that Republics are destitute of ambition—that they are addicted to peace, wedded to the happiness and safety of the great body of their people. But it seems this is to be a holiday campaign—there is to be no expense of blood, or treasure, on our part—Canada is to conquer herself—she is to be subdued by the principles of fraternity. The people of that country are first to be seduced from their allegiance, and converted into traitors, as preparatory to the making them good citizens. Although he must acknowledge that some of our flaming patriots were thus manufactured, he did not think the process would hold good with a whole community. It was a dangerous experiment. We were to succeed in the French mode by the system of fraternization—all is French! but how dreadfully it might be retorted on the Southern and Western slaveholding States. He detested this subornation of treason. No—if he must have them, let them fall by the valor of our arms, by fair, legitimate conquest; not become the victims of treacherous seduction.

He was not surprised at the war spirit which was manifesting itself in gentlemen from the South. In the year 1805-6, in a struggle for the carrying trade of belligerent colonial produce, this country had been most unwisely brought into collision with the great Powers of Europe. By a series of most impolitic and ruinous measures, utterly incomprehensible to every rational, sober-minded man, the Southern planters, by their own votes, had succeeded in knocking down the price of cotton to seven cents, and of tobacco (a few choice crops excepted) to nothing—and in raising the price of blankets, (of which a few would not be amiss in a Canadian campaign,) coarse woolsens, and every article of first necessity, three or four hundred per cent. And now that, by our own acts, we have brought ourselves into this unprecedented condition, we must get out of it in any way, but by an acknowledgement of our own want of wisdom and forecast. But is war the true remedy? Who will profit by it? Speculators—a few lucky merchants, who draw prizes in the lottery—commissaries and contractors. Who must suffer by it? The people. It is their blood, their taxes, that must flow to support it.

But gentlemen avowed that they would not go to war for the carrying trade—that is, for any other but the direct export and import trade—that which carries our native products abroad, and brings back the return cargo; and yet they stickle for our commercial rights, and will go to war for them! He wished to know, in point of principle, what difference gentlemen could point out between the abandonment of this or of that maritime right? Do gentlemen assume the lofty port and tone of chivalrous redressors of maritime wrongs, and declare their readiness to surrender

every other maritime right, provided they may remain unmolested in the exercise of the humble privilege of carrying their own produce abroad, and bringing back a return cargo? Do you make this declaration to the enemy at the outset? Do you state the minimum with which you will be contented, and put it in her power to close with your proposals at her option; give her the basis of a treaty ruinous and disgraceful beyond example and expression? and this too after having turned up your noses in disdain at the treaties of Mr. Jay and Mr. Monroe! Will you say to England, "end the war when you please, give us the direct trade in our own produce, we are content?" But what will the merchants of Salem, and Boston, and New York, and Philadelphia, and Baltimore, the men of Marblehead and Cape Cod, say to this? Will they join in a war professing to have for its object what they would consider (and justly too) as the sacrifice of their maritime rights, yet affecting to be a war for the protection of commerce?

He was gratified to find gentlemen acknowledging the demoralizing and destructive consequences of the non-importation law—confessing the truth of all that its opponents foretold when it was enacted. And will you plunge yourselves in war, because you have passed a foolish and ruinous law, and are ashamed to repeal it? "But our good friend the French Emperor stands in the way of its repeal," and as we cannot go too far in making sacrifices to him, who has given such demonstration of his love for the Americans, we must, in point of fact, become parties to his war. "Who can be so cruel as to refuse him this favor?" His imagination shrunk from the miseries of such a connexion. He called upon the House to reflect whether they were not about to abandon all reclamation for the unparalleled outrages, "insults and injuries" of the French Government, to give up our claim for plundered millions; and asked what reparation or atonement they could expect to obtain in hours of future dalliance, after they should have made a tender of their person to this great deflowerer of the virginity of republics. We had by our own wise (he would not say *wise-acre*) measures, so increased the trade and wealth of Montreal and Quebec, that at last we began to cast a wistful eye at Canada. Having done so much towards its improvement by the exercise of "our restrictive energies," we began to think the laborer worthy of his hire, and to put in claim for our portion. Suppose it ours, are we any nearer to our point? As his Minister said to the King of Epirus, "may we not as well take our bottle of wine before as after this exploit?" Go! march to Canada! leave the broad bosom of the Chesapeake and her hundred tributary rivers—the whole line of seacoast from Machias to St. Mary's, unprotected! You have taken Quebec—have you conquered England? Will you seek for the deep foundations of her power in the frozen deserts of Labrador?

"Her march is on the mountain wave,
Her home is on the deep!"

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Will you call upon her to leave your ports and harbors untouched, only just till you can return from Canada, to defend them? The coast is to be left defenceless, whilst men of the interior are revelling in conquest and spoil. But grant for a moment, for mere argument's sake, that in Canada you touched the sinews of her strength, instead of removing a clog upon her resources—an encumbrance, but one, which, from a spirit of honor, she will vigorously defend. In what situation would you then place some of the best men of the nation? As Chatham and Burke, and the whole band of her patriots, prayed for her defeat in 1776, so must some of the truest friends to their country deprecate the success of our arms against the only Power that holds in check the arch-enemy of mankind.

Mr. R. declared, that the committee had outstripped the Executive. In designating the Power against whom this force was to be employed—as had most unadvisably been done in the preamble or manifesto with which the resolutions were prefaced—they had not consulted the views of the Executive; that designation was equivalent to an abandonment of all our claims on the French Government. No sooner was the report laid on the table, than the vultures were flocking round their prey, the carcass of a great Military Establishment—men of trained reputation, of broken fortunes (if they ever had any) and of battered constitutions, “choice spirits, tired of the dull pursuits of civil life,” were seeking after agencies and commissions; willing to doze in gross stupidity over the public fire; to light the public candle at both ends. Honorable men, undoubtedly there were ready to serve their country, but what man of spirit, or of self-respect, would accept a commission in the present Army?

The gentleman from Tennessee (Mr. GRUNDY) had addressed himself, yesterday, exclusively to the “Republicans of this House.” Mr. R. knew not whether he might consider himself as entitled to any part of the benefit of the honorable gentleman's discourse. It belonged not, however, to that gentleman to decide. If we must have an exposition of the doctrines of Republicanism, he should receive it from the fathers of the church, and not from the junior apprentices of the law. He should appeal to his worthy friends from Carolina, (Messrs. MACON and STANFORD,) “men with whom he had measured his strength,” by whose side he had fought during the reign of terror, for it was indeed an hour of corruption, of oppression, of pollution. It was not at all to his taste, that sort of Republicanism which was supported on this side of the Atlantic by the father of the sedition law, John Adams, and by Peter Porcupine on the other. Republicanism! of John Adams! and William Cobbett! *Par nobile fratrum*, now united as in 1798, whom the cruel walls of Newgate alone keep from flying to each other's embrace—but whom, in sentiment, it is impossible to divide! Gallant crusaders in the holy cause of Republicanism! Such “Republicanism does indeed mean anything or nothing.”

Our people will not submit to be taxed for this
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war of conquest and dominion. The Government of the United States was not calculated to wage offensive foreign war—it was instituted for the common defence and general welfare; and whosoever should embark it in a war of offence, would put it to a test which it was by no means calculated to endure. Make it out that Great Britain had instigated the Indians on the late occasion, and he was ready for battle; but not for dominion. He was unwilling, however, under present circumstances, to take Canada, at the risk of the Constitution—to embark in a common cause with France and be dragged at the wheels of the car of some Burr or Bonaparte. For a gentleman from Tennessee or Genessee, or Lake Champlain, there may be some prospect of advantage. Their hemp would bear a great price by the exclusion of foreign supply. In that too the great importers were deeply interested. The upper country on the Hudson and the Lakes would be enriched by the supplies for the troops, which they alone could furnish. They would have the exclusive market: to say nothing of the increased preponderance from the acquisition of Canada and that section of the Union, which the Southern and Western States had already felt so severely in the apportionment bill.

Mr. R. adverted to the defenceless state of our seaports, and particularly of the Chesapeake. A single spot only, on both shores, might be considered in tolerable security—from the nature of the port and the strength of the population—and that spot unhappily governed the whole State of Maryland. His friend, the late Governor of Maryland, (Mr. LLOYD) at the very time he was bringing his warlike resolutions before the Legislature of the State, was liable, on any night, to be taken out of his bed and carried off with his family, by the most contemptible picaroon. Such was the situation of many a family in Maryland and lower Virginia.

Mr. R. dwelt on the danger arising from the black population. He said he would touch this subject as tenderly as possible—it was with reluctance that he touched it at all—but in cases of great emergency, the State physician must not be deterred by a sickly, hysterical humanity, from probing the wound of his patient—he must not be withheld by a fastidious and mistaken humanity from representing his true situation to his friends, or even to the sick man himself, where the occasion called for it. What was the situation of the slaveholding States? During the war of the Revolution, so fixed were their habits of subordination, that when the whole Southern country was overrun by the enemy, who invited them to desert, no fear was ever entertained of an insurrection of the slaves. During the war of seven years, with our country in possession of the enemy, no such danger was ever apprehended. But should we therefore be unobservant spectators of the progress of society within the last twenty years—of the silent but powerful change wrought by time and chance, upon its composition and temper? When the fountains of the great deep of abomination were broken up, even

the poor slaves had not escaped the general deluge. The French Revolution had polluted even them. Nay, there had not been wanting men in that House, witness their Legislative *Legendre*, the butcher who once held a seat there, to preach upon that floor these imprescriptible rights to a crowded audience of blacks in the galleries—teaching them that they are equal to their masters; in other words, advising them to cut their throats. Similar doctrines were disseminated by pedlars from New England and elsewhere, throughout the Southern country—and masters had been found so infatuated, as by their lives and conversation, by a general contempt of order, morality, and religion, unthinkingly to cherish these seeds of self-destruction to them and their families. What was the consequence? Within the last ten years, repeated alarms of insurrection among the slaves—some of them awful indeed. From the spreading of this infernal doctrine, the whole Southern country had been thrown into a state of insecurity. Men dead to the operation of moral causes, had taken away from the poor slave his habits of loyalty and obedience to his master, which lightened his servitude by a double operation; beguiling his own cares and disarming his master's suspicions and severity; and now, like true empirics in politics, you are called upon to trust to the mere physical strength of the fetter which holds him in bondage. You have deprived him of all moral restraint, you have tempted him to eat of the fruit of the tree of knowledge, just enough to perfect him in wickedness; you have opened his eyes to his nakedness; you have armed his nature against the hand that has fed, that has clothed him, that has cherished him in sickness; that hand, which before he became a pupil of your school, he had been accustomed to press with respectful affection. You have done all this—and then show him the gibbet and the wheel, as incentives to a sullen, repugnant obedience. God forbid, sir, that the Southern States should ever see an enemy on their shores, with these infernal principles of French fraternity in the van! While talking of taking Canada, some of us were shuddering for our own safety at home. He spoke from facts, when he said that the night-bell never tolled for fire in Richmond that the mother did not hug her infant more closely to her bosom. He had been a witness of some of the alarms in the capital of Virginia.

How had we shown our sympathy with the patriots of Spain, or with her American provinces? By seizing on one of them, her claim to which we had formerly respected, as soon as the parent country was embroiled at home. Was it thus we yielded them assistance against the arch-fiend who is grasping at the sceptre of the civilized world. The object of France is as much Spanish America as Old Spain herself. Much as he hated a standing army he could almost find it in his heart to vote one, could it be sent to the assistance of the Spanish patriots.

Mr. R. then proceeded to notice the unjust and illiberal imputation of British attachments, against certain characters in this country, sometimes in-

sinuated in that House, but openly avowed out of it. Against whom were these charges brought? Against men, who in the war of the Revolution were in the councils of the nation, or fighting the battles of your country. And by whom were they made? By runaways, chiefly from the British dominions, since the breaking out of the French troubles. He indignantly said—it is insufferable. It cannot be borne. It must, and ought, with severity, be put down in this House, and, out of it, to meet the lie direct. We have no fellow feeling for the suffering and oppressed Spaniards! Yet even them we do not reprobate. Strange! that we should have no objection to any people or Government, civilized or savage, in the whole world. The great Autocrat of all the Russias receives the homage of our high consideration. The Dey of Algiers and his Divan of Pirates are very civil, good sort of people, with whom we find no difficulty in maintaining the relations of peace and amity—"Turks, Jews, and Infidels;" Mellimelli, or the Little Turtle; Barbarians and savages of every clime and color, are welcome to our arms. With chiefs of banditti, negro or mulatto, we can treat and can trade. Name, however, but England, and all our antipathies are up in arms against her. Against whom? Against those whose blood runs in our veins; in common with whom we claim Shakspeare, and Newton, and Chatham, for our countrymen; whose form of government is the freest on earth, our own only excepted; from whom every valuable principle of our own institutions has been borrowed—representation, jury trial, voting the supplies, writ of habeas corpus—our whole civil and criminal jurisprudence—against our fellow Protestants identified in blood, in language, in religion with ourselves. In what school did the worthies of our land, the Washingtons, Henrys, Hancocks, Franklins, Rutledges of America learn those principles of civil liberty which were so nobly asserted by their wisdom and valor? And American resistance to British usurpation had not been more warmly cherished by these great men and their compatriots; not more by Washington, Hancock, and Henry, than by Chatham and his illustrious associates in the British Parliament. It ought to be remembered, too, that the heart of the English people was with us. It was a selfish and corrupt Ministry, and their servile tools, to whom we were not more opposed than they were. He trusted that none such might ever exist among us—for tools will never be wanting to subserve the purposes, however ruinous or wicked, of Kings and Ministers of State.

He acknowledged the influence of a Shakspeare and Milton upon his imagination, of a Locke upon his understanding, of a Sidney upon his political principles, of a Chatham upon qualities which, would to God! he possessed in common with that illustrious man—of a Tillotson, a Sherlock, and a Porteus, upon his religion. This was a British influence which he could never shake off. He allowed much to the just and honest prejudices growing out of the Revolution. But by whom had they been suppressed when they

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ran counter to the interests of his country? By Washington. By whom, would you listen to them, are they most keenly felt? By felons escaped from the jails of Paris, Newgate, and Kilmainham, since the breaking out of the French Revolution—who, in this abused and insulted country, have set up for political teachers, and whose disciples give no other proof of their progress in Republicanism, except a blind devotion to the most ruthless military despotism that the world ever saw. These are the patriots, who scruple not to brand with the epithet of tory the men (looking towards the seat of Col. STUART) by whose blood your liberties have been cemented. These are they, who hold in so keen remembrance the outrages of the British armies, from which many of them were deserters. Ask these self-styled patriots where they were during the American war, (for they are for the most part old enough to have borne arms,) and you strike them dumb—their lips are closed in eternal silence. If it were allowable to entertain partialities, every consideration of blood, language, religion, and interest, would incline us towards England; and yet, shall they be alone extended to France and her ruler, whom we are bound to believe a chastening God suffers as the scourge of a guilty world! On all other nations he tramples—he holds them in contempt—England alone he hates; he would, but he cannot despise her—fear cannot despise. And shall we disparage our ancestors?—shall we bastardize ourselves by placing them even below the brigands of St. Domingo? with whom Mr. Adams had negotiated a sort of treaty, for which he ought to have been and would have been impeached, if the people had not previously passed sentence of disqualification for their service upon him. This antipathy to all that is English must be French.

But the outrages and injuries of England—bred up in the principles of the Revolution, he could never palliate, much less defend them. He well remembered flying with his mother, and her newborn child, from Arnold and Phillips—and they had been driven by Tarleton and other British pandours from pillar to post, while her husband was fighting the battles of his country. The impression was indelible on his memory—and yet (like his worthy old neighbor, who added seven buck shot to every cartridge at the battle of Guilford and drew a fine sight at his man) he must be content to be called a tory by a patriot of the last importation. Let us not get rid of one evil (supposing it to be possible) at the expense of a greater—*mulatis mulandis*. Suppose France in possession of the British naval power—and to her the Trident must pass should England be unable to wield it—what would be your condition? What would be the situation of your seaports and their seafaring inhabitants. Ask Hamburg, Lubec? Ask Savannah? What, sir! when their privateers are pent up in our harbors by the British bull-dogs, when they receive at our hands every rite of hospitality, from which their enemy is excluded—when they capture within our own waters, interdicted to British armed ships, American vessels; when such is their deportment to-

wards you, under such circumstances, what could you expect if they were the uncontrolled lords of the ocean? Had those privateers at Savannah borne British commissions—or had your shipments of cotton, tobacco, ashes, and what not, to London and Liverpool, been confiscated, and the proceeds poured into the English Exchequer—my life upon it! you would never have listened to any miserable wire-drawn distinctions between “orders and decrees affecting our neutral rights,” and “municipal decrees,” confiscating in mass your whole property. You would have had instant war! The whole land would have blazed out in war.

And shall Republicans become the instruments of him who had effaced the title of Attila to the “Scourge of God?” Yet even Attila, in the falling fortunes of civilization, had, no doubt, his advocates, his tools, his minions, his parasites in the very countries that he overran—sons of that soil whereon his horse had trod; where grass could never after grow. If perfectly fresh, Mr. RANDOLPH said, (instead of being as he was—his memory clouded, his intellect stupified, his strength and spirits exhausted) he could not give utterance to that strong detestation which he felt towards (above all other works of the creation) such characters as Zingis, Tamerlane, Kouli-Khan, or Bonaparte. His instincts involuntarily revolted at their bare idea. Malefactors of the human race, who ground down man to a mere machine of their impious and bloody ambition. Yet under all the accumulated wrongs and insults and robberies of the last of these chieftains, are we not in point of fact about to become a party to his views, a partner in his wars?

But before this miserable force of ten thousand men was raised to take Canada, he begged them to look at the state of defence at home—to count the cost of the enterprise before it was set on foot, not when it might be too late—when the best blood of the country should be spilt, and nought but empty coffers left to pay the cost. Are the bounty lands to be given in Canada? It might lessen his repugnance to that part of the system, to granting these lands, not to those miserable wretches who sell themselves to slavery for a few dollars and a glass of gin, but in fact to the clerks in our offices, some of whom, with an income of fifteen hundred or two thousand dollars, lived at the rate of four or five thousand, and yet grew rich—who perhaps at that moment were making out blank assignments for these land rights.

He would beseech the House, before they ran their heads against this post, Quebec, to count the cost. His word for it, Virginia planters would not be taxed to support such a war—a war which must aggravate their present distresses; in which they had not the remotest interest. Where is the Montgomery, or even the Arnold, or the Burr, who is to march to Point Levi?

He called upon those professing to be Republicans to make good the promises held out by their Republican predecessors when they came into power—promises, which for years afterwards they had honestly, faithfully fulfilled. We had vaunted

of paying off the national debt, of retrenching useless establishments; and yet had now become as infatuated with standing armies, loans, taxes, navies, and war, as ever were the Essex Junto. What Republicanism is this?

Mr. RANDOLPH apologized for his very desultory manner of speaking. He regretted that his bodily indisposition had obliged him to talk perhaps somewhat too wildly; yet he trusted some method would be found in his madness—on the other resolution he should perhaps be obliged to trouble the House again.

Mr. JOHNSON proceeded to reply, but had not gone far before he sat down, to afford Mr. RANDOLPH an opportunity to explain; after which an adjournment was moved and carried.

WEDNESDAY, December 11.

Mr. DAWSON, from the committee appointed on the nineteenth ultimo, presented a bill to amend the act providing for persons disabled by known wounds received in the Revolutionary war; which was read, and committed to a Committee of the Whole on Monday next.

Mr. JENNINGS presented petitions from sundry inhabitants of the Indiana Territory, praying that a law may be passed to prohibit the interference of the United States' officers in elections held in said Territory, and that they may be authorized to elect their Delegate to this House at the time of the election of the members composing their Territorial Legislature.—Referred to a select committee.

Mr. JENNINGS, Mr. NELSON, Mr. ROBERTS, Mr. NEWBOLD, Mr. SEVIER, Mr. ORMSBY, and Mr. REED, were appointed the committee.

Mr. RANDOLPH, from the committee appointed as managers, on behalf of this House, of the conference on the subject of the disagreeing votes of the two Houses of Congress on the Senate's amendment to the bill, entitled "An act for the apportionment of Representatives among the several States, according to the third enumeration," reported:

"That the committee had held a conference with the managers appointed on the part of the Senate. That the following propositions were submitted by the committee, to the managers of the Senate:

To fix the ratio at 34,000,
33,000,
40,000,

All of which being promptly rejected by the committee of the Senate, your committee, as a last effort at accommodation, proposed 36,000, as the medium between the two numbers adopted by the two Houses respectively; which was also rejected as the others had been, without any discussion whatever, on the part of the managers of the Senate. No proposition being submitted on the other side to your committee, the conference was broken up, and the joint committee of the two Houses finally separated without coming to any agreement."

Mr. NEWTON, from the Committee of Commerce and Manufactures, presented a bill authorizing the refunding the duties paid on the importation of certain copper articles; which was read

twice, and, together with the documents accompanying the same, committed to a Committee of the Whole on Friday next.

The third reading of the bill from the Senate "for the relief of Thomas O'Bannon," was called up, and, an motion, ordered to lie on the table.

A message from the House of Representatives informed the House that the Senate adhere to their amendments to the bill, entitled "An act for the apportionment of Representatives among the several States, according to the third enumeration."

FOREIGN RELATIONS,

The House resumed the consideration of the report of the Committee on Foreign Relations.

Mr. JOHNSON said he rose to thank the committee for the report which was offered to the House, and the resolutions which were recommended; though the measures fell short of his wishes, and, he believed, of public expectation. The ulterior measures, however, promised by the committee satisfied his mind, and he should give the report his warm support. The chairman had given the views of the committee. The expulsion of the British from their North American possessions, and granting letters of marque and reprisal against Great Britain are contemplated. Look at the Message of the President. At a moment least to be expected, when France had ceased to violate our neutral rights, and the olive branch was tendered to Great Britain, her Orders in Council were put into a more rigorous execution. Not satisfied with refusing a redress for wrongs committed on our coasts and in the mouths of our harbors, our trade is annoyed, and our national rights invaded; and, to close the scene of insolence and injury, regardless of our moderation and our justice, she has brought home to the "threshold of our territory," measures of actual war. As the love of peace has so long produced forbearance on our part, while commercial cupidity has increased the disposition to plunder on the part of Great Britain, I feel rejoiced that the hour of resistance is at hand, and that the President, in whom the people have so much confidence, has warned us of the perils that await them, and has exhorted us to put on the armor of defence, to gird on the sword, and assume the manly and bold attitude of war. He recommends filling up the ranks of the present Military Establishment, and to lengthen the term of service; to raise an auxiliary force for a more limited time; to authorize the acceptance of volunteers, and provide for calling out detachments of militia as circumstances may require. For the first time since my entrance into this body, there now seems to be but one opinion with a great majority—that with Great Britain war is inevitable; that the hopes of the sanguine as to a returning sense of British justice have expired; that the prophecies of the discerning have failed; and, that her infernal system has driven us to the brink of a second revolution, as important as the first. Upon the Wabash, through the influence of British agents, and within our territorial sea by the British navy, the war has already com-

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menced. Thus, the folly, the power, and the tyranny of Great Britain, have taken from us the last alternative of longer forbearance.

Mr. J. said we must now oppose the farther encroachments of Great Britain by war, or formally annul the Declaration of our Independence, and acknowledge ourselves her devoted colonies. The people whom I represent will not hesitate which of the two courses to choose; and, if we are involved in war, to maintain our dearest rights, and to preserve our independence, I pledge myself to this House, and my constituents to this nation, that they will not be wanting in valor, nor in their proportion of men and money to prosecute the war with effect. Before we relinquish the conflict, I wish to see Great Britain renounce the piratical system of paper blockade; to liberate our captured seamen on board her ships of war; relinquish the practice of impressment on board our merchant vessels; to repeal her Orders in Council; and cease, in every other respect, to violate our neutral rights; to treat us as an independent people. The gentleman from Virginia (Mr. RANDOLPH) has objected to the destination of this auxiliary force—the occupation of the Canadas, and the other British possessions upon our borders where our laws are violated, the Indians stimulated to murder our citizens, and where there is a British monopoly of the peltry and fur trade. I should not wish to extend the boundary of the United States by war if Great Britain would leave us to the quiet enjoyment of independence; but, considering her deadly and implacable enmity, and her continued hostility, I shall never die contented until I see her expulsion from North America, and her territories incorporated with the United States. It is strange that the gentleman would pause before refusing this force, if destined to keep the negroes in subordination—who are not in a state of insurrection as I understand—and he will absolutely refuse to vote this force to defend us against the lawless aggressions of Great Britain—a nation in whose favor he had said so much.

But, he has a dislike to the Canadian French. French blood is hateful to him. I have no doubt but the Canadian French are as good citizens as the Canadian English, or the refugee Tories of the Revolution; nor have I any doubt but a great majority of that vast community are sound in their morals and in their politics, and would make worthy members of the United States.

But, open the sacred pages of the Journals of the Congress of 1774-75—that Congress which commenced, and conducted to victory, the American Revolution. Upon the pages of the first volume (from page 54 to 100) we will find letters addressed to the inhabitants of Canada and the province of Quebec, containing the language of affectionate respect, and, in the warmth of patriotism, inviting them to unite against British tyranny, to make the cause of quarrel common, and to enter into the union of the States on the principles of equality. The encroachments of Great Britain are depicted in the most vivid col-

ors, and then, they say “we shall consider the violation of your rights a violation of our own,” and you are invited to accede to the confederacy of the States.” Thus, the patriots of the Revolution styled the inhabitants of the British provinces friends and fellow-sufferers in 1774: Although then but a handful of men compared to their present numbers, and only ten years had elapsed from their first incorporation with the British dominions; and nothing but the want of physical power and means prevented their independence in 1776. The misfortunes of our arms at Quebec, and in that quarter, are well known. These overtures of the Old Congress did not stop here. After the Articles of Confederation had been adopted, the door was left open for the reception of the Canadas, and the hope was not lost until British arms riveted the chains of slavery upon them, which at that time could not be broken. Now, sir, these people are more enlightened, they have a great American population among them, and they have correct ideas of liberty and independence, and only want an opportunity to throw off the yoke of their taskmasters.

Let us not think so meanly of the human character and the human mind. We are in pursuit of happiness, and we place a great value upon liberty as the means of happiness. What, then, let me ask, has changed the character of those people, that they are to be despised? What new order of things has disqualified them for the enjoyment of liberty? Has any malediction of Heaven doomed them to perpetual vassalage? Or, will the gentleman from Virginia pretend to more wisdom, and more patriotism than the constellation of patriots who conducted the infant Republic through the Revolution? In point of territorial limit, the map will prove its importance. The waters of the St. Lawrence and the Mississippi interlock in a number of places, and the great Disposer of Human Events intended those two rivers should belong to the same people.

But it has been denied that British influence had any agency in the late dreadful conflict and massacre upon the Wabash; and this is said to vindicate the British nation from so foul a charge. Sir, look to the book of the Revolution. See the Indian savages in Burgoyne's army urged on every occasion to use the scalping-knife and tomahawk—not in battle, but against old men, women, and children; in the night, when they were taught to believe an Omniscient eye could not see their guilty deeds; and thus hardened in iniquity, they perpetrated the same deeds by the light of the sun, when no arm was found to oppose or protect. And when this crying sin was opposed by Lord Chatham, in the House of Lords, the employment of these Indians was justified by a speech from one of the Ministry. Thus we see how the principles of honor, of humanity, of christianity, were violated and justified in the face of the world. Therefore, I can have no doubt of the influence of British agents in keeping up Indian hostility to the people of the United States, independent of the strong proofs on this occasion; and, I hope it will not be pre-

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tended that these agents are too moral or too religious to do the infamous deed. So much for the expulsion of Great Britain from her dominions in North America, and their incorporation into the United States of America.

The gentleman from Virginia says we are identified with the British in religion, in blood, in language, and deeply laments our hatred to that country, who can boast of so many illustrious characters. This deep rooted enmity to Great Britain arises from her insidious policy, the offspring of her perfidious conduct towards the United States. Her disposition is unfriendly; her enmity is implacable; she sickens at our prosperity and happiness. If obligations of friendship do exist, why does Great Britain rend those ties asunder, and open the bleeding wounds of former conflicts? Or does the obligation of friendship exist on the part of the United States alone? I have never thought that the ties of religion, of blood, of language, and of commerce, would justify or sanctify insult and injury—on the contrary, that a premeditated wrong from the hand of a friend created more sensibility, and deserved the greater chastisement and the higher execration. What would you think of a man, to whom you were bound by the most sacred ties, who would plunder you of your substance, aim a deadly blow at your honor, and in the hour of confidence endeavor to bury a dagger in your bosom? Would you, sir, proclaim to the world your affection for this miscreant of society, after this conduct, and endeavor to interest your audience with the ties of kindred that bound you to each other? So let it be with nations, and there will be neither surprise nor lamentation that we execrate a Government so hostile to our independence—for it is from the Government that we meet with such multiplied injury, and to that object is our hatred directed. As to individuals of merit, whether British or French, I presume no person would accuse the people of the United States of such hatred to them, or of despising individuals, who might not be instrumental in the maritime despotism which we feel; and this accounts for the veneration we have for Sidney and Russell, statesmen of whom the gentleman has spoken; they are fatal examples, why we should love the British Government. The records of that Government are now stained with the blood of these martyrs in freedom's cause, as vilely as with the blood of American citizens; and certainly we shall not be called upon to love equally the murderer and the victim. For God's sake let us not again be told of the ties of religion, of laws, of blood, and of customs, which bind the two nations together, with a view to extort our love for the English Government, and more especially, when the same gentleman has acknowledged that we have ample cause of war against that nation—let us not be told of the freedom of that corrupt Government whose hands are washed alike in the blood of her own illustrious statesmen, for a manly opposition to tyranny, and the citizens of every other clime. But I would inquire into this love for the British Government and British institutions, in the gross, without any

discrimination. Why love her rulers? Why kiss the rod of iron which inflicts the stripes without a cause? When all admit we have just cause of war, such attachments are dangerous, and encourage encroachment. I will venture to say, that our hatred of the British Government is not commensurate with her depredations and her outrages on our rights, or we should have waged a deadly war against her many years past. The subject of foreign attachments and British hatred has been examined at considerable length. I did not intend to begin that discussion, but I will pursue it, and though I make no charge of British attachments, I will, at all times, at every hazard, defend the Administration and the Republican party against the charge of foreign partialities—French or Spanish, or any other kind, when applied to the measures of our Government. This foreign influence is a dangerous enemy; we should destroy the means of its circulation among us—like the fatal tunic, it destroys where it touches. It is insidious, invisible, and takes advantage of the most unsuspecting hours of social intercourse. I would not deny the good will of France nor of Great Britain to have an undue influence among us. But Great Britain alone has the means of this influence to an extent dangerous to the United States. It has been said that Great Britain was fighting the battles of the world—that she stands against universal dominion threatened by the arch-fiend of mankind. I should be sorry if our independence depended upon the power of Great Britain. If, however, she would act the part of a friendly Power towards the United States, I should never wish to deprive her of power, of wealth, of honor, of prosperity. But if her energies are to be directed against the liberties of this free and happy people, against my native country, I should not drop a tear if the fast-anchored isle would sink into the waves, provided the innocent inhabitants could escape the deluge and find an asylum in a more favorable soil. And as to the power of France, I fear it as little as any other power; I would oppose her aggressions, under any circumstances, as soon as I would British outrages.

The ties of religion, of language, of blood, as it regards Great Britain, are dangerous ties to this country, with her present hostile disposition—instead of pledges of friendship they are used to paralyze the strength of the United States in relation to her aggressions. There are other ties equally efficacious. The number of her commercial traders within our limits, her agents, &c., the vast British capital employed in our commerce and our moneyed institutions, connected with her language, ancestry, customs, habits, and laws. These are formidable means for estranging the affections of many from our republican institutions, and producing partialities for Great Britain. Now I shall attend to the charge of partiality in our measures towards France. It is an insinuation not founded in fact, and can only exist in the imagination of those who may insinuate it. We are not driven to mere declarations—the truth of the assertion is bottomed upon the statute

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records of the United States; and we appeal to the character of every measure relative to foreign relations, since the adoption of the embargo, in consequence of the violation of neutral rights upon the high seas. The direct object of the Berlin and Milan decrees was the ruin of all trade to British ports—and the object of the Orders in Council was the destruction of all commerce to French ports and ports from which the British flag was excluded.

The laws laying an embargo, which was the first precautionary measure on the part of the United States, contained a provision by which the President was authorized to suspend its operation as to Great Britain upon a repeal of the Orders in Council, and as to France upon an extinguishment of the Berlin and Milan decrees. The authority was precisely the same as to either Power; the instructions to our Ministers were precisely the same; the offer to suspend the embargo was tendered to both belligerents upon the self-same conditions. This offer was rejected by both nations, and their aggressions continued—Congress, yielding to the clamors of the disaffected, repealed the embargo and substituted the non-intercourse, which also contained a diplomatic provision vesting the President with power to suspend its operation as to the belligerents when they should cease to violate our neutral rights.

The offer was made; it was rejected by France, and her depredations increased. Great Britain accepted the offer, which produced the arrangement with Mr. Erskine.

Erskine's arrangement was executed with fidelity on the part of the Executive of the United States. The proclamation which announced the arrangement suspended the non-intercourse as to Great Britain, and it continued as to France. Under these circumstances Congress convened at their extra session. It was a new era for opposition. The day of jubilee was announced—no gloom, every countenance smiled, every heart seemed glad; parties were forgotten; war with France and peace with England dawned upon us. We were all Americans, and the gentleman from Virginia introduced a resolution approbating the fidelity of the President in discharging his high duties to the nation. A real friend to that individual who presides over our destinies by our consent, I was happy to find his political enemies acknowledging his wisdom, his impartiality, and his integrity. I knew the President had discharged his trust faithfully. Though I followed in the rear ranks, I did not interrupt this new order of things. But our retrograde movement from the embargo to the non-intercourse and Erskine's arrangement went to London at nearly the same time; the English Ministry perfidiously rejected that arrangement which had been executed on our part, and which was so advantageous to Great Britain; the Orders in Council, so good a shield for plunder, were considered of more value than our non-intercourse. I will not dwell upon the scene this disavowal produced, nor upon the attempt to censure the President

for the Punic faith of Great Britain, by those who had approbated his conduct. The solid column was again broken, and we have never had the pleasure since of seeing an undivided front opposed to a foreign foe, which was the case when France was the object of attack. Then Federalists and Republicans were united. After this we assumed a different attitude towards both France and Great Britain; but in the same terms of impartiality, we authorized the President to say to France, if you will rescind your decrees, violating our neutral rights, we will revive the non-importation part of the non-intercourse law against your rival Great Britain, provided she should not also cease to violate our neutral rights by a repeal of her orders; we authorized the President to use the very same identical language to Great Britain, that if you will cease to violate our neutral rights, we will revive our non-importation system against your enemy France, provided she should not follow your example. This was said to France and to Great Britain in the spirit of conciliation and sincerity. France accepts the proposition; but it is rejected by Great Britain, which acceptance on the part of France, and the extinguishment of her orders, so far as they violated our neutral rights, was announced by the President's proclamation, and the non-intercourse revived against Great Britain. Under these circumstances Congress convened, but I looked in vain for resolutions of approbation of the President's conduct. The repeal of the French decrees was doubted, and the gentleman from Virginia was the first to introduce his resolution to repeal the non-importation revived against England by the President's proclamation, and with that repeal the proclamation; and now, when it is not denied by a single individual that the Berlin and Milan decrees are so modified as to cease to violate our neutral rights, we find the same opposition to measures against Great Britain, and the same opposition to France, as if no arrangement had been made. I might ask why this opposite conduct under the same kind of arrangement, growing out of an act of Congress, and under the same solemnities of plighted faith on the part of this Government. Under the arrangement with Great Britain we are united against France. But under the arrangement with France we behold disunion again—each man takes his party rank. How does this prove partiality to France? Does not the charge ill grace the lips of those who oppose these measures? for no man has denied the similarity in the two arrangements. In the compact with England we agreed to repeal the non-intercourse as to her, and continue it as to France, if she would repeal the Orders in Council; so with France, we agreed to revive the non-intercourse against Great Britain if France would cease to violate our neutral rights, leaving all other subjects to negotiation. France was not required as a *sine qua non* to make good the damages for spoiliations. Nor was Great Britain required as a *sine qua non* to relinquish her iniquitous system of blockade, of impressment, the liberation

of our seamen, and a remuneration for captures and condemnation—these topics were left to negotiation.

The British Minister has insinuated that we have suffered our commerce to be moulded by France to the annoyance of the British trade, and attempts have been made to conjure up the idea of an alliance with France against Great Britain, because we have made arrangements with France that our neutral rights shall be regarded. The idea of an alliance is as idle as it is unfounded. Thank Heaven we are under no obligations to any Power to go to war, nor to continue that war after the objects for which we contend shall be accomplished. The non-importation law is the cause of complaint with Great Britain, and she knows if the Orders in Council and her blockade of May were repealed, that our non-importation law would cease to operate against her. But instead of this, sir, every day our merchant ships fall a prey to the Orders in Council, and we are menaced with retaliation for the non-importation, which does not capture and condemn British ships and cargoes, but prevents the importation of British property into our markets.

In the year 1777 the United States entered into a treaty of alliance with the King of France; the first article binds the parties to make the cause of quarrel a common cause. The independence of the United States is the guarantee of the second article, and the eighth binds the parties to continue the war until peace should be restored with each nation, and a treaty was to be made by common consent alone. This is an example of an alliance, such a one as I hope we shall never have with France in the present undefined and bloody conflict of ambitious domination. I never wish to see an alliance with any nation. It is known to the world that we have nothing to do with the European wars; and England knows that if she ceases to violate our neutral rights, commercial intercourse would be restored, and that her many transgressions would be left to further negotiation; that, however, would not be the only requisition if left to my vote. The gentleman has also adverted to that part of the President's Message which speaks of our relations with France. France is no doubt unfriendly in her rigorous municipal regulations; the President has recommended retaliation, and who will refuse to take those measures? I shall not. Mention has also been made of the riot at Savannah; that transaction has two sides to it. I have read both of them; I fear something is rotten in Denmark. I will not judge, however, before the facts are correctly known.

But in the zeal to speak of French insult and injury, it was to be regretted that the talents of the gentleman from Virginia were not engaged upon the subject of our impressed seamen and commercial aggressions by Great Britain. He must not be surprised if these subjects should be omitted.

To attempt an enumeration of these aggressions would be a laborious task to me—a painful

and disgusting recital to others; but considerations of this kind should not induce an omission of duty. Great sensibility has existed against the wanton capture and condemnation of our vessels and cargoes. An inroad upon the colonial trade produced universal clamor; spirited complaints were forwarded, with pledges of honor and property to oppose the robbery. But the number and enormity of these aggressions have blunted the feelings of sensibility, or the backwardness of the Government has induced the sufferers to moan their loss without an appeal to our justice. The newspapers have become vehicles of complaint, and the only noters of British piracies, and the office of State is no longer troubled with reading the cold details. But to lump this business: about twenty-eight years have elapsed since the commencement of the British spoliations. Suppose the vessels and cargoes captured and condemned within that period contrary to public law could be collected together in the Potomac, it would present to the mind a striking evidence of the justice of our complaints; you would find it difficult to find safe anchorage for these vessels from the Eastern Branch to Alexandria—ten miles distant, and the brick wall which encloses the navy yard would not furnish a sufficient warehouse for the property; and to carry on this supposition, if a convocation of the real sufferers in these aggressions could be effected, a great multitude would animate this desert city. The list of bankruptcies should likewise be produced; you would bring the sufferers from every part of the United States.

In this group we should see every kind of importing, wholesale and retail merchant—the farmer who raised the produce, the mechanic who worked up the raw material, the ship owners, the ship-carpenter and his numerous host of journeymen, the creditors of each class; and at the heels of these people you might introduce the constables and sheriffs with their executions, and the tax gatherers; and if silence was supposed to be ordered for the complaints of each class to be heard, we should find in the commercial class a distinguished orator from Boston, pleading the cause of the merchant; so from New York, one from Baltimore, Philadelphia, and Charleston. Thus British aggressions would be visually and mentally unfolded to the view, and doubts could no longer be entertained of its enormity.

But a stranger to these outrages would be surprised to be told, that this was a secondary class of injuries; upon which the subject of impressment should be introduced to his view. About twenty years have elapsed since the commencement of this infernal practice—this outrage upon the honor of our flag, and this attack upon the personal liberty and personal security of American citizens.

The number of native and naturalized seamen impressed from our merchant vessels and seduced from our merchant service, cannot be estimated at less than fifty thousand during this period of twenty years, and retained in bondage during life, or who have escaped by desertion or the interference of our Government. The condition of

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these fifty thousand men has been more intolerable than that of the malefactor in the penitentiary or work-house. Who could detail the misery of these men? Who could number the stripes inflicted upon their naked skin at the yard-arm by a second lieutenant or midshipman? Who could enumerate the ignominious scars left by the cat-o-nine-tails? This scourge, this infamous practice, does not fall alone upon the unfortunate tar, the hardy seaman—convoke the fathers, mothers, brothers, sisters, wives, and children of these victims of maritime despotism, and hear from them their tale of sorrow, and let an hundred pens record their sighs and groans which are now given in vain to the idle wind.

But to close these scenes, the death of Robert Howell will show the connexion of this infamy with national honor.

It is well authenticated that a number of American citizens were serving on board the British ship-of-war the *Little Belt*, during her engagement with Commodore Rodgers—that these men, upon refusing to fight against their own country, were menaced with death—that during the engagement a certain Robert Howell of New York was wounded with a cannon ball, his whole thigh was shot off—that just before his death, while in the act of sending to some relation some token of remembrance, a British officer inquired how he did—that Howell replied and told him he was dying, and said “see to what you have brought me, to force me to fight against my brothers; my own countrymen have taken my life through your means.” Let the curtain drop and hide the body of Howell from our sight!

Thus twenty-eight years have elapsed, and the only remedy which we have attempted against these crying enormities has been negotiation and remonstrance, and so far from producing any beneficial effect, Great Britain has made new innovations and urged new pretensions, until the neutral rights of the United States are entirely destroyed. Let it not be forgotten, that for the abuses enumerated war is not alone urged, but those practices now continue and are put in more rigorous execution. We would agree to suffer the injuries inflicted for the sake of peace; but no principle of piracy is relinquished, nor is any abuse changed, and the United States are now the victims of this desolating system. May the wrath of this nation kindle into a flame and become a consuming fire! Though slow to anger, may her indignation be like the rushing of mighty waters and the volcanic eruptions of Hecla!

The gentleman from Virginia has called the military regular forces mercenaries. If by this appellation any reproach or degradation is intended, its justice and propriety is denied. In times like the present, when dangers thicken upon us, at the moment when we are compelled by most wanton tyranny upon the high seas, and upon land may be added, to abandon our peaceful habits for the din of arms, officers and soldiers in this country are governed by the noble feelings of patriotism and of valor. The history of the world may be ransacked; other nations may be brought

in review before us, and examples of greater heroism cannot be quoted, than shall be performed in battle by our officers and soldiers, military, and naval, and marine. The deeds of their ancestors would be before them; glory would animate their bosoms, and love of country would nerve the heart to deeds of mighty fame. If, therefore, there should not be a diminution of respect for those who entertain an opinion so degrading to our army, it should at least be understood that such opinions do not lessen the confidence due to those who faithfully serve their country, and who would lay down their life for it. This reflection brings to memory the late memorable conflict upon the Wabash. Governor Harrison pitched his tents near the Prophet's town; and although this fanatic had his followers collected, and the American forces were anxious to finish work by an open and day-light engagement, if there was a necessity to resort to arms, their impetuous valor was easily stayed, when they were informed that the white flag of peace was to be hoisted next morning, and the effusion of blood was to be spared. But in the silent watches of the night, relieved from the fatigues of valor, and slumbering under the perfidious promises of the savages, who were infuriated and made drunk by British traders, dreaming of the tender smile of a mother, and the fond embraces of affectionate wives, and of prattling children upon their knees, on their return from the fatigues of a campaign!—the destroyers came with the silent instruments of death, the war club, the scalping knife, the tomahawk, and the bow and arrow; with these they penetrate into the heart of our forces—they enter the tents of our officers—many close their eyes in death—it was a trying moment for the rest of our heroes, but they were equal to the dreadful occasion. The American forces flew to arms; they rallied at the voice of their officers, and soon checked the work of death. The savages were successively and successfully charged and driven until day-light, when they disappeared like the mist of morning. In this dreadful conflict many were killed and wounded on both sides; and the volunteers and the regiment under Colonel Boyd acted and fought with equal bravery and to their immortal honor. The volunteers from Kentucky were men of valor and worth—young men of hopeful prospects, and married men of reputation and intelligence, governed by no mercenary views—honor prompted them to serve their country. Some of these fallen heroes were my acquaintances, my friends: one not the least conspicuous lived in my district—Colonel Owens; Colonel Daviess, a neighbor. You, Mr. Speaker, know the worth of some of these men; and I regret that you are not in my place to speak their praise. So long as the records of this transaction remain, the 9th of November will not be forgotten, and time shall only brighten the fame of the deeds of our army, and a tear shall be shed for those who have fallen. But the loss will not be felt by the public alone: the friends of their social hours will regret their loss; the widow will mourn her disconsolate situation; the orphan shall cry for the return of his

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father in vain; and the mother carry her sorrow to the grave. Let this ornamented hall be clothed with the symbols of mourning, although our army proved victorious in war; and to their memory let a monument be erected in the hearts of a grateful country.

Mr. WRIGHT.—Mr. Speaker, I must beg the indulgence of the House while I deliver my opinion on the subject now under consideration, the most important that has been submitted to the Congress of the United States. I, sir, shall take the liberty of varying the question from the honorable member from Virginia, (Mr. RANDOLPH,) who yesterday considered it a question of peace or war. I shall consider it as a question of war or submission, dire alternatives, of which, however, I trust no honest American can hesitate in choosing, when the question is correctly stated and distinctly understood. The gentleman from Virginia contends that it is a dispute about the carrying trade, brought on us by the cupidity of the American merchants, in which the farmer and planter have little interest; that he will not consent to tax his constituents to carry on a war for it; that the enemy is invulnerable on the "mountain wave," the element of our wrongs, but should they violate the "*natale solum*," he would point all the energies of the nation and avenge the wrong. Was that gentleman stricken on the nose by a man so tall that he could not reach his nose, I strongly incline to think his manly pride would not permit him to decline the conflict. Sir, the honorable member is incorrect in his premises, and, of course, in his conclusions. I will endeavor to convince him of this, and shall be gratified if I can enlist his talents on the side of a bleeding country. Sir, the violations of the commercial rights of which we complain do not only embrace the carrying trade, properly so called, but also the carrying of the products of our own soil, the fruits of our own industry; these, although injurious only to our property, are just causes of war. But, sir, the impressment of our native seamen is a stroke at the vitals of liberty itself, and although it does not touch the "*natale solum*," yet it enslaves the "*nativos filios*"—the native sons of America; and, in the ratio that liberty is preferable to property, ought to enlist the patriotic feelings of that honorable member, and make his bosom burn with that holy fire that inspired the patriots of the Revolution.

Sir, the carrying trade—by which I mean the carrying articles the growth, produce, or manufacture of a foreign clime—except articles contraband of war—is as much the right of the American people as the carrying the products of their own soil, and is not only secured by the law of nations, but by the positive provisions of the British Treaty. To us, sir, it is an all-important right. We import from the West Indies, annually, property to the amount of forty millions of dollars, for which we pay in the products of our own soil; of this, ten millions only are consumed in the United States, and the surplus thirty millions are exported to foreign countries, on which

the American merchant pays three per cent. on the duties to the United States, obtains the profits on the freight of thirty millions of dollars, and furnishes a market for American productions to the same amount. The honorable gentleman from Virginia said, that that little spot in Maryland, Baltimore, which was well fortified and secure from an attack, had unbounded influence; "that the lords of Baltimore" governed the Representatives of Maryland in their votes on this subject. No, sir, every district of Maryland solemnly protests against submission to any foreign Power, and I have no doubt will approve the votes of their members on this floor, "to prepare for war," or for war itself, rather than submission. Baltimore, by the industry and commercial enterprise of her citizens, has grown out of the sea into a great commercial city, has diffused the benefits of commerce into every section of the State, by making a great demand for the products of our soil and industry, and a consequent increase of price, whereby every foot of land in Maryland is made more valuable, and whereby the interest of every part of the State is identified with theirs; for this she is justly entitled to our respect. But, sir, she has no occasion to infuse her patriotic fire—so pre-eminent in the case of the Chesapeake—into the Representatives of Maryland. They know the wishes of their constituents, and will most certainly obey them.

Mr. Speaker, I hope if the gentleman from Virginia will not defend the carrying of foreign articles, he will defend the carrying the products of our own soil, a right most disgracefully violated. When our own citizens have been carrying provisions—the produce of their own soil, in their own ships—to feed the armies of England, and her allies on the continent of Europe, they have been captured on their homeward-bound passage, on their own coast, and condemned in a British Court of Admiralty. If this does not inspire him, yet I am not without hopes that when he reflects on the impressment of our native American seamen, while carrying the products of our own industry to market, thousands of whom, at this moment, are languishing under the ignominious scourge, on board the infernal floating castles of Great Britain, he will feel like an American, devoted to avenge their wrongs. He has said, that if Great Britain had an agency in exciting the Indians to the massacre of the troops under Governor Harrison, he would avenge it. Sir, can he then feel less bound to avenge the slavery and death of American impressed seamen, committed directly by Britons themselves, than the death of citizens by the savages through a British agency? I should like to hear him exercise his logical talent in the discrimination of these cases, which, however profound, would, I presume, be ineffectual to that purpose. Sir, the impressment of American seamen is of ancient date. The outrage was remonstrated against by our WASHINGTON, and by every Administration since, and every diplomatic energy, in every Administration, exerted to put a stop to this infamous practice, in vain.

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Mr. Speaker, I ask honorable gentlemen if we are not bound by the most solemn ties to protect our seamen by all the lawful means we possess? I have ever considered that protection and allegiance were reciprocal obligations—the counterparts of each other; that the protection of the citizen in his liberty was secured to him by the Constitution, and every member of the Government bound by oath to support that Constitution, securing to him that right. I ask, should an impressed American seaman who had been for seven years under the lash, and whom we had, during that time neglected, be indicted for high treason when found, with our enemies, in arms against us—should he plead specially that fact, would it avail him? And if it would not, how can we neglect to protect him in his liberty, secured by the social compact which we are bound by oath to execute? Mr. Speaker, it is well known that my sympathies have always been enlisted for this hardy and valuable class of our fellow-citizens, who, though poor, yet as “honest tars,” proverbially, in a peculiar manner are entitled to our protection.

Sir, we all recollect the capture of the Philadelphia by the Turks, and we can never forget how the news of so many of our fellow-citizens being subjected to Turkish bondage, in a moment so electrified the sympathies of the American people that a squadron was, without delay, despatched to the Mediterranean, and a large sum of money voted for their ransom. But, sir, the murder of Pierce, in our own waters; the killing of our citizens in the Chesapeake; the hanging of Wilson in cold blood, taken out of that ship by violence; and the very recent case of the American citizen impressed into the “Little Belt” and compelled to fight against his own countrymen, and who was killed in that action, are fresh in our recollection. And if these outrages, which cry aloud for vengeance, do not animate you, I fear the sacred fire that inspired your fathers in the Revolution is nearly extinguished, and the liberty of their degenerate sons in jeopardy.

Mr. Speaker, the gentleman from Virginia has declared that, if he could believe that the late massacre of the troops, in the attack on Governor Harrison by the Indians, under the Prophet, was the effect of British agency, he would unite with us, heart and hand, and personally assist to avenge the bloody deed. I feel a confidence, that, if the gentleman will attend to the circumstances of this case, and take a retrospective view of the conduct of the British Government, he will feel no doubt of the fact. I will take the liberty of pointing the gentleman's attention to some of the prominent features of that Government, which will go far in establishing that fact. When Dunmore, Governor of Virginia in 1775, found it necessary to quit the seat of government, and go on board the fleet for safety from the Revolutionary vengeance of the patriots of Virginia—at a period, too, when the Americans were suing for justice by their humble petitions to the King and Parliament; and when that Chatham, the gentleman from Virginia has so highly extolled, was the ad-

vocate of our violated rights—Dunmore issued a proclamation inviting the negroes to his standard; to cut the throats of their masters; and promised them a pardon. This fact, I know, from having presented that proclamation to a court at Northampton in Virginia, to induce them to commute the punishment of death, passed on some of the victims of his perfidy, to working in the mines; which they did. I will next remind the gentleman of the speech of Lord Dorchester to the Indians after the peace, in which he advises them to use the tomahawk and scalping-knife, whereby numbers of the inhabitants of the frontiers, of all ages, sexes, and conditions, were sacrificed. This was the cause of the Indian war that shortly after took place. This fact was attested by the newspapers of the day, which had universal credit.

These cases go to prove that the principles that ought to govern civilized nations have, at all times, been totally disregarded by the officers and agents of that Government. After these cases, we shall feel little hesitation in believing there was a British agency in the case of the massacre by the Prophet's troops on Governor Harrison's detachment, when the circumstances relied on are duly considered. At the late great council with Governor Harrison, the chiefs of many tribes were convened, all of whom, except Tecumseh, the Prophet's brother, in their speeches avowed their friendly dispositions, and devotion to peace with the United States. Tecumseh, who, with a number of his tribe, came from Fort Malden, in Canada, declared his hostile intentions against the United States, left the council with that avowed intention, and returned again to Fort Malden. Shortly after this, the Shawanees assembled a large body in arms in the Indiana Territory, under the Prophet, and committed the assault on the troops of Governor Harrison, though they have paid for their temerity. This, I trust, connected as it is with the immorality and extraordinary pretensions of that Government at this crisis, will satisfy, not only the gentleman from Virginia, but this House, of a British agency in the case.

But to divert our attention from the wrongs of which we complain, the gentleman from Virginia tells us that our own restrictive system has undone us; that our cotton is reduced to seven cents, and our tobacco to nothing. Sir, there are now no restrictions to the exportation of these articles, and if that had been the cause, on its removal the effect would have ceased with it. No, sir, we are to look for the cause of the reduction of the prices of our cotton and tobacco in the political and commercial history of Europe. The price of cotton depends on the demand for the manufactures of that article; the English-made cottons depended on the continental markets, from which the British manufactures are excluded. The price of tobacco never was materially varied by the consumption in England, but depended on the foreign demand from Great Britain, which, by their exclusion from the continent, is almost entirely arrested. Sir, if we examine, with candor, the

cause of the reduction of the prices of these articles, we shall find that the retaliatory system of the two great belligerents produced it: "The British proclamation blockading system," of 1806, induced the continental blockade of 1807, and ultimately the interdiction of all articles the growth, produce, or manufacture of Great Britain to the Continent.

America, ever faithful to herself, determined to preserve a state of neutrality, and not to commit her destinies with either of the great belligerents who were deciding the rise and fall of empires, by the sword, and recording their destinies in blood. Our policy was peace, and in this we persevered with a degree of equanimity unexampled in the annals of the world: nor, sir, was the non-intercourse act, now so violently complained of by Great Britain, marked with the slightest shade of partiality. By that act, at the same time, and, as it were, "*uno flatu*," we offered to both nations the same terms, agreed not to import any articles, the growth, produce, or manufacture, of the other, her colonies or dependencies, on either revoking their edicts violating our neutral commerce, unless they should, within three months thereafter, revoke their edicts. The Emperor of the French did revoke his decrees, but the British did not revoke their Orders in Council within the three months, but Congress, in her peaceful policy, by a law, *invited* her, and authorized her to do it at any time; so that, in fact, she may be considered as fixing the restrictions of which she complains, on herself, as she has it in her power to remove them at her will and pleasure.

Sir, the monstrous pretensions insisted on by her Minister, near the United States, were not less exceptionable in their matter. However, the American Minister, in a style and manner that did honor to his head and his heart, detected and exposed their fallacies, and placed the United States on that high ground her just claims entitled her to hold, and gave a celebrity to that State paper, that it will be quoted with pride by the American statesman, as the mirror of British insolence.

Mr. Speaker, I regret that the gentleman from Virginia should ascribe to gentlemen of the West, a disposition for war, with a view to raise the price of their hemp; or to the gentlemen of the North, with a view to raise the price of their beef and flour. These, sir, are selfish motives, and such I cannot, for a moment, believe, will be taken into consideration; they will, with every other section of the Union, unite in deciding it on its merits; they will count the wrongs we have sustained; they will reflect that the honor, the interest, and the very independence, of the United States, is directly attacked; they will, as guardians of the nation's rights, agreeably to the advice of the Administration, "put the United States into an armor and an attitude demanded by the crisis, and correspondent with the national spirit and expectations;" they will prepare to chastise the wrongs of the British Cabinet, which the President tells us, "have the character as well as the

effect of war, on our commercial rights, which no independent nation can relinquish." They will decide with the President, the Executive organ of the nation's will, "that these wrongs are no longer to be endured." They will decide with the Committee of Foreign Relations, "that forbearance longer to repel these wrongs has ceased to be a virtue," and, I hope they will decide with me, that submission is a crime; and, sir, if they will examine a document on that table, I mean the returns of the twelfth Congress, and compare them with the eleventh, they will find nearly one half of the eleventh Congress removed. This, sir, may correctly be considered as the sentence of the nation against the doctrine of submission; it is certainly an expression of the nation's will, in a language not to be misunderstood, and too serious in its application not to be respected. We have also, sir, the expression of Maryland, through her Senate, who unanimously approved the spirited resolutions, introduced by the late Governor, who did not suffer his exposed situation, so alarming, in the opinion of the gentleman from Virginia, to deter him from doing his duty. We have also, sir, the resolutions of the Legislature of Pennsylvania, an honest test of their non-submission principles. Mr. Speaker, I cannot forbear the remark that, while the gentleman from Virginia ascribes to the West and to the North interested motives, he confesses that the situation of the blacks in the State he represents, impressed as they are with the new French principles of liberty, and their desire for the fraternal hug, are seriously to be feared; that these new principles have been taught them by the pedlars from the East, who, while they sell their trigkets, inculcate these doctrines. He suffers his fears for the State he represents, in the event of a war, on account of the blacks, to *interest* him; and had he not told us that, if the "*natale solum*" was touched, or that, if there was a British agency in the late attack on Governor Harrison, he would go to war, I should have been ready to conclude that, as the state of the blacks would be a permanent objection, no cause could occur that would induce him to go to war.

Mr. Speaker, the gentleman from Virginia says, he expects to be charged with being under British influence; however, he disregarded it. I assure him I shall not be one of his accusers; I believe him governed by *himself*, and influenced by pure American motives, and that, if he saw the subject as I do, his bosom would burn with the same sacred fire to avenge our wrongs; and were I to hear him charged in his absence with British influence, I should repel it, notwithstanding he has told us, in a prideful manner, that he had descended from British ancestors; that, from a Shakspeare he had formed his taste, from a Locke his mind, from a Chatham his politics, from a Sydney his patriotism, from a Tillotson his religion. Mr. Speaker, had I been that honorable member, I should have boasted a nobler line of ancestry; I should have claimed my descent from the beardless Powhatan, and the immortal Pocahontas; and I should have taken

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as models, from my own State, a Henry for my eloquence, a Jefferson for my politics, a Washington for my patriotism, and a Madison, or rather the Oracles of Revelation, for my religion. But, sir, I am myself so much a Roman, that I can truly say, in their language,

*"Aut genus aut proavos, aut qua non fecimus ipse,
vix ea nostra voco."*

"Honor and shame from no condition rise,
Act well your part, there all the honor lies."

Sir, the charge of foreign influence, and the re-
crimination of one political party by the other, are unpleasant things. I should rejoice to see the curtain of oblivion drawn over them, and all uniting under the nobler distinction of American.

I, sir, feel it due to the Federalists of Maryland to declare that, when the outrage was committed on the Chesapeake, they expressed an equal zeal to avenge the wrong, and to volunteer their services under the standard of their common country. Nor, sir, can I, from the pleasing aspect this House presented when acting on the first resolution, feel a doubt that they will, on all proper occasions, zealously co-operate in protecting the solid interests of this country, to which their destinies are committed.

Sir, I sincerely regret that the gentleman from Virginia should treat, with so much freedom, that class of society, which, in case of a war, must make the standing army. It was illy calculated to aid the recruiting service, to call them "the scourgings of the seaports, to be collected by the scavengers of the army," "the engines of despotism," ever dangerous to liberty. This could have no good effect. That there is a mixed society in the seaports I admit—adventurers from all nations—but the great mass of our people are truly respectable; and I trust the honesty of their principles is not to be measured by any standard of wealth. The usual bounty and pay, with the 160 acres of land, and the love of their country, will induce our respectable young men to enlist; they will never suffer those rights, *their inheritance*, purchased by the blood of their fathers of the Revolution, to be lost by the degeneracy of their sons. I wish gentlemen, when they speak of the soldiery, would recollect how they came into this House, and by whose blood the independence of the United States was purchased. Sir, if they will examine their own history, they will find that the tax in blood was paid by the poor in the ratio of sixty-four to four, the number of privates when compared with the officers; and, indeed, they will find that many of the best officers were poor. Sir, we know many of the privates of that army who are now among the most respectable of our citizens.

Sir, have we forgotten the disinterested patriotism of a Paulding, a Williams, and a Vanwert, who conducted Andre to the gibbet? They were poor, but honest—gold could not corrupt them.

Mr. Speaker, the same patriotism that inspired their fathers, yet inspires their sons. We have, with national pride, seen a Somers, a Wadsworth, and an Israel, to liberate their brothers in

arms from Turkish slavery, perform a prodigy of valor unexampled in the pages of history. It has been honorably recorded in the archives of Congress; and their monuments in the Navy Yard will ever be dear to American seamen, and an evidence of the magnanimity of the naval officers who at their own expense erected them, and who, in a war for their impressed brother tars, I have no doubt would distinguish themselves whenever an occasion presented itself.

But, Mr. Speaker, the gentleman from Virginia could he be reconciled to a war and a regular army, would have, as he tells us, insuperable difficulties on account of a commander-in-chief. He says we have no WASHINGTON, and that our present chieftain is an *acquitted felon*. Sir, our WASHINGTON was little known at the commencement of the Revolution, nor after he was known could his distinguished character secure him against intrigues to remove him from the command of the Army; however, they fortunately failed. I am truly sorry, sir, that the delicacy of the situation of the gentleman from Virginia, and the more delicate situation of General Wilkinson, (now under a trial by a court martial,) had not restrained his invectives. In such a case the press is muzzled, nor ought such freedom of speech to be indulged in this House.

I hope I shall be excused for presenting the resolutions of that Congress, who were distinguished in history as "a constellation of worthies," testing the early, the active, and distinguished services of General Wilkinson, a native of Maryland, with whom I have long been acquainted. In November 6, 1777, it was

"Resolved, That Colonel James Wilkinson, Adjutant General of the Northern Army, in consideration of his services in that department, and being strongly recommended by General Gates, as a gallant officer, and a promising military genius; and having brought the despatches to Congress giving an account of the surrender of Lieutenant General Burgoyne and his army, on the 17th October last, be continued in his present employment, with a brevet of Brigadier General of the Army of the United States."

In November 6, 1778, Congress proceeded to the election of a Secretary to the Board of War and Ordnance, and, the ballots being taken, James Wilkinson, Esq., was elected. Again, on the 6th March, 1778, we find this record of his patriotism and magnanimity:

"A letter of the 3d, from James Wilkinson, was read, setting forth, 'that he is informed the marked distinction conferred on him has occasioned a dissatisfaction in the Army; that, 'to obviate any embarrassment that may result from the disposition by the consequent resignation of officers of merit, he begs leave to relinquish his brevet of Brigadier, wishing to hold no commission, unless he can wear it to the honor and advantage of his country; and that his conduct, however repugnant to fashionable ambition, he finds consistent with those principles for which he early drew his sword in the present contest.'"

"Resolved, That his resignation be accepted."

Here is a record of his having distinguished himself in his early youth, in the opinion of Con-

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gress, who presented him a sword, which he wore with distinction to the end of the war.

Mr. Speaker, we find him afterwards in the confidence of the great WASHINGTON, when President of the United States, whose penetration and knowledge of him taught him to appreciate his worth; whose confidence he retained till his death. We find him in the confidence of every Administration—the favorite of his country—until he nipped Burr's treason in the bud, and had brought the traitor nearly to the gibbet, and had sent on a number of *choice spirits*, connected with him in the work of treason, to be dealt with according to their crimes—an offence of too deep a dye ever to be forgiven by them and their powerful friends. Hence, although he received the approbation of his Government, and the plaudits of a grateful country, he drew down upon himself a train of persecutors and slanderers, of whose history you are well informed; of whom I have no hesitation in saying, that, if they were prosecuted for their forgeries and perjuries with half the zeal that he has been persecuted, I really believe would not be called *acquitted felons*. Sir, was the gentleman from Virginia correctly informed on the subject, such are my impressions of his magnanimity and justice, that he would be enrolled with the friends of the General, and that he would consign his persecutors and accusers to the obloquy they so justly merit.

But, sir, from a militia of nearly eight hundred thousand, we can never be at a loss to create a regular army of thirty or forty thousand; nor, sir, can our liberties ever be endangered by that army, while we have an armed militia of seven hundred thousand, composed at least of as good materials; nor, sir, can we be at a loss for a commander of that army, even should General Wilkinson be slandered out of the confidence of the nation. We certainly have patriots and soldiers of talent and enterprise, who would have the confidence of the nation, and who would lead her Army to honor and glory, and crown their arms with success.

Mr. CALHOUN, after stating his desire to give his support to the report of the committee of which he was a member, moved an adjournment on account of the lateness of the hour; which was carried.

THURSDAY, December 12.

Mr. MITCHELL presented a petition of Jacob Schieffelin and Son, of the city of New York, druggists, praying permission to import merchandises from the British island of Gaudaloupe, to the amount of debts owing to them by inhabitants of said island.

Mr. M. also presented a petition of Ogden and Harrison, merchants, of the city of New York, praying a special license to import from Great Britain a quantity of brass wire, to be used in the manufactory of pins, and in machinery for drawing wire.

Mr. M. also presented a petition of Jabez Harrison, merchant, of the city of New York, praying permission to import from St. Johns, in the

British province of New Brunswick, sundry merchandises, the sole property of the petitioner.

Mr. M. also presented a petition of sundry ship owners, and inhabitants of the city of New York, praying that the non-importation act of the second of March last, may be so altered or amended as to permit vessels returning from Great Britain, to ballast with coal instead of earth and stone, which they are compelled, under the existing conditions of the said act, to use.—Referred severally to the Committee of Commerce and Manufactures.

The SPEAKER presented two petitions from the Legislative Council and House of Representatives of the Mississippi Territory; one praying for an extension of the time for completing the payments on pre-emption rights to lands; the other praying that the said Territory may be erected into a State and admitted into the Union.—Laid on the table.

The third reading of the bill from the Senate, "for the relief of Thomas O'Bannon," was called for; when it was ordered to lie on the table.

FOREIGN RELATIONS.

The House resumed the consideration of the report of the Committee on Foreign Relations.

Mr. CALHOUN.—Mr. Speaker: I understood the opinion of the Committee of Foreign Relations differently from what the gentleman from Virginia (Mr. RANDOLPH) has stated to be his impression. I certainly understood that committee as recommending the measures now before the House as a preparation for war; and such in fact was its express resolve, agreed to, I believe, by every member except that gentleman. I do not attribute any wilful misstatement to him, but consider it the effect of inadvertency or mistake. Indeed, the report could mean nothing but war or empty menace. I hope no member of this House is in favor of the latter. A bullying, menacing system has everything to condemn and nothing to recommend it; in expense, it is almost as considerable as war; it excites contempt abroad, and destroys confidence at home. Menaces are serious things; and, if we expect any good from them, they ought to be resorted to with as much caution and seriousness as war itself, and should, if not successful, be invariably followed by it. It was not the gentleman from Tennessee (Mr. GRUNDY) that made this a war question. The resolve contemplates an additional regular force; a measure confessedly improper but as a preparation for war, but undoubtedly necessary in that event. Sir, I am not insensible of the weighty importance of this question, for the first time submitted to this House, as a redress of our long list of complaints against one of the belligerents; but, according to my mode of thinking on this subject, however serious the question, whenever I am on its affirmative side, my conviction must be strong and unalterable. War, in this country, ought never to be resorted to but when it is clearly justifiable and necessary; so much so, as not to require the aid of logic to convince our reason, nor the ardor of eloquence to inflame our passions. There are

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many reasons why this country should never resort to it but for causes the most urgent and necessary. It is sufficient that, under a Government like ours, none but such will justify it in the eye of the nation; and were I not satisfied that such is the present case, I certainly would be no advocate of the proposition now before the House.

Sir, I might prove the war, should it ensue, justifiable, by the express admission of the gentleman from Virginia; and necessary, by facts undoubted and universally admitted, such as that gentleman did not pretend to controvert. The extent, duration, and character of the injuries received; the failure of those peaceful means heretofore resorted to for the redress of our wrongs, is my proof that it is necessary. Why should I mention the impressment of our seamen; depredation on every branch of our commerce, including the direct export trade, continued for years, and made under laws which professedly undertake to regulate our trade with other nations; negotiation resorted to time after time, till it is become hopeless; the restrictive system persisted in to avoid war, and in the vain expectation of returning justice? The evil still grows, and in each succeeding year swells in extent and pretension beyond the preceding. The question, even in the opinion and admission of our opponents, is reduced to this single point—which shall we do, abandon or defend our own commercial and maritime rights, and the personal liberties of our citizens employed in exercising them? These rights are essentially attacked, and war is the only means of redress. The gentleman from Virginia has suggested none—unless we consider the whole of his speech as recommending patient and resigned submission as the best remedy. Sir, which alternative this House ought to embrace, it is not for me to say. I hope the decision is made already, by a higher authority than the voice of any man. It is not for the human tongue to instill the sense of independence and honor. This is the work of nature—a generous nature, that disdains tame submission to wrongs.

This part of the subject is so imposing, as to enforce silence even on the gentleman from Virginia. He dared not to deny his country's wrongs, or vindicate the conduct of her enemy.

Only one point of that gentleman's argument had any, the most remote, relation to this point. He would not say we had not a good cause of war, but insisted that it was our duty to define that cause. If he means that this House ought, at this stage of the proceeding, or any other, to enumerate such violations of our rights, as we are willing to contend for, he prescribes a course which neither good sense or the usage of nations warrants. When we contend, let us contend for all our rights; the doubtful and the certain, the unimportant and essential. It is as easy to struggle, or even more so, for the whole as a part. At the termination of the contest, secure all that our wisdom and valor and the fortune of the war will permit. This is the dictate of common sense; such also is the usage of nations. The single in-

stance alluded to, the endeavor of Mr. Fox to compel Mr. Pitt to define the object of the war against France, will not support the gentleman from Virginia in his position. That was an extraordinary war for an extraordinary purpose, and could not be governed by the usual rules. It was not for conquest, or for redress of injury, but to impose a Government on France, which she refused to receive; an object so detestable, that an avowal dare not be made. Sir, here I might rest the question. The affirmative of the proposition is established. I cannot but advert, however, to the complaint of the gentleman from Virginia the first time he was up on this question. He said he found himself reduced to the necessity of supporting the negative side of the question, before the affirmative was established. Let me tell that gentleman, that there is no hardship in his case. It is not every affirmative that ought to be proved. Were I to affirm the House is now in session, would it be reasonable to ask for proof? He who would deny its truth, on him would be the proof of so extraordinary a negative. How, then, could the gentleman, after his admissions, with the facts before him and the nation, complain? The causes are such as to warrant, or rather make it indispensable in any nation not absolutely dependent to defend its rights by force. Let him, then, show the reasons why we ought not so to defend ourselves. On him, then, is the burden of proof. This he has attempted; he has endeavored to support his negative. Before I proceed to answer the gentleman particularly, let me call the attention of the House to one circumstance: that is, that almost the whole of his arguments consisted of an enumeration of evils always incident to war, however just and necessary; and that, if they have any force, it is calculated to produce unqualified submission to every species of insult and injury. I do not feel myself bound to answer arguments of the above description; and if I should touch on them, it will be only incidentally, and not for the purpose of serious refutation. The first argument of the gentleman which I shall notice, is the unprepared state of the country. Whatever weight this argument might have, in a question of immediate war, it surely has little in that of preparation for it. If our country is unprepared, let us remedy the evil as soon as possible. Let the gentleman submit his plan; and, if a reasonable one, I doubt not it will be supported by the House. But, sir, let us admit the fact and the whole force of the argument, I ask whose is the fault? Who has been a member for many years past, and has seen the defenceless state of his country even near home, under his own eyes, without a single endeavor to remedy so serious an evil? Let him not say "I have acted in a minority." It is no less the duty of the minority than a majority to endeavor to serve our country. For that purpose we are sent here, and not for that of opposition. We are next told of the expenses of the war, and that the people will not pay taxes. Why not? Is it a want of capacity? What, with one million tons of shipping, a trade of near \$100,000,000,

manufactures of \$150,000,000, and agriculture of thrice that amount, shall we be told the country wants capacity to raise and support ten thousand or fifteen thousand additional regulars? No; it has the ability, that is admitted; but will it not have the disposition? Is not the course a just and necessary one? Shall we, then, utter this libel on the nation? Where will proof be found of a fact so disgraceful? It is said, in the history of the country twelve or fifteen years ago. The case is not parallel. The ability of the country is greatly increased since. The object of that tax was unpopular. But on this, as well as my memory and almost infant observation at that time serve me, the objection was not to the tax, or its amount, but the mode of collection. The eye of the nation was frightened by the number of officers; its love of liberty shocked with the multiplicity of regulations. We, in the vile spirit of imitation, copied from the most oppressive part of European laws on that subject, and imposed on a young and virtuous nation all the severe provisions made necessary by corruption and long growing chicanery. If taxes should become necessary, I do not hesitate to say the people will pay cheerfully. It is for their Government and their cause, and would be their interest and duty to pay. But it may be, and I believe was said, that the nation will not pay taxes, because the rights violated are not worth defending, or that the defence will cost more than the profit. Sir, I here enter my solemn protest against this low and "calculating avarice" entering this hall of legislation. It is only fit for shops and counting-houses, and ought not to disgrace the seat of sovereignty by its squalid and vile appearance. Whenever it touches sovereign power, the nation is ruined. It is too short-sighted to defend itself. It is an unpromising spirit, always ready to yield a part to save the balance. It is too timid to have in itself the laws of self-preservation. It is never safe but under the shield of honor. Sir, I only know of one principle to make a nation great, to produce in this country not the form but real spirit of union, and that is, to protect every citizen in the lawful pursuit of his business. He will then feel that he is backed by the Government; that its arm is his arms; and will rejoice in its increased strength and prosperity. Protection and patriotism are reciprocal. This is the road that all great nations have trod. Sir, I am not versed in this calculating policy; and will not, therefore, pretend to estimate in dollars and cents the value of national independence, or national affection. I cannot dare to measure, in shillings and pence, the misery, the stripes, and the slavery of our impressed seamen; nor even to value our shipping, commercial, and agricultural losses, under the Orders in Council and the British system of blockade. I hope I have not condemned any prudent estimate of the means of a country, before it enters on a war. This is wisdom, the other folly. Sir, the gentleman from Virginia has not failed to touch on the calamity of war; that fruitful source of declamation, by which pity becomes the advocate of cowardice; but I know not what

we have to do with that subject. If the gentleman desires to repress the gallant ardor of our countrymen by such topics, let me inform him, that true courage regards only the cause—that it is just and necessary—and that it despises the pain and danger of war. If he really wishes to promote the cause of humanity, let his eloquence be addressed to Lord Wellesley or Mr. Percival, and not the American Congress. Tell them, if they persist in such daring insult and injury to a neutral nation, that, however inclined to peace, it will be bound in honor and interest to resist; that their patience and benevolence, however great, will be exhausted; that the calamity of war will ensue; and that they, in the opinion of wounded humanity, will be answerable for all its devastation and misery. Let melting pity, a regard to the interest of humanity, stay the hand of injustice, and, my life on it, the gentleman will not find it difficult to call off his country from the bloody scenes of war.

We are next told of the danger of war! I believe we are all ready to acknowledge its hazard and accidents; but I cannot think we have any extraordinary danger to contend with, at least so much as to warrant an acquiescence in the injuries we have received. On the contrary, I believe no war can be less dangerous to internal peace, or national existence. But, we are told of the black population of the South. As far as the gentleman from Virginia speaks of his own personal knowledge, I will not pretend to contradict him; I only regret that such is the dreadful state of his particular part of the country. Of the Southern section, I too have some personal knowledge, and can say that, in South Carolina, no such fears in any part are felt. But, sir, admit the gentleman's statement; will a war with Great Britain increase the danger? Will the country be less able to repress insurrection? Had we anything to fear from that quarter, which I sincerely disbelieve, in my opinion, the precise time of the greatest safety is during a war, in which we have no fear of invasion—then the country is most on its guard; our militia the best prepared; and standing force the greatest. Even in our Revolution no attempts were made by that portion of our population; and, however the gentleman may frighten himself with the disorganizing effects of French principles, I cannot think our ignorant blacks have felt much of their baneful influence. I dare say more than one-half of them never heard of the French Revolution. But, as great as is the danger from our slaves, the gentleman's fears end not there—the standing army is not less terrible to him. Sir, I think a regular force, raised for a period of actual hostilities, cannot be called a standing army. There is a just distinction between such a force, and one raised as a peace establishment. Whatever may be the composition of the latter, I hope the former will consist of some of the best materials of the country. The ardent patriotism of our young men, and the reasonable bounty in land, which is proposed to be given, will impel them to join their country's standard and to fight her battles; they will not forget the citizen in the

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soldier, and, in obeying their officer, learn to condemn their Constitution. In our officers and soldiers we will find patriotism no less pure and ardent than in the private citizen; but, if they should be depraved, as represented, what have we to fear from twenty-five or thirty thousand regulars? Where will be the boasted militia of the gentleman? Can one million of militia be overpowered by thirty thousand regulars? If so, how can we rely on them against a foe invading our country? Sir, I have no such contemptuous idea of our militia—their untaught bravery is sufficient to crush all foreign and internal attempts on their country's liberties. But we have not yet come to the end of the chapter of dangers. The gentleman's imagination, so fruitful on this subject, conceives that our Constitution is not calculated for war, and that it cannot stand its rude shock. This is rather extraordinary—we must depend upon the pity or contempt of other nations, for our existence. The Constitution, it seems, has failed in its essential part, "to provide for the common defence." No, says the gentleman from Virginia, it is competent for a defensive, but not an offensive war. It is not necessary for me to expose the error of this opinion. Why make the distinction in this instance? Will he pretend to say, that this is an offensive war; a war of conquest? Yes, the gentleman has dared to make this assertion; and for reasons no less extraordinary than the assertion itself. He says, our rights are violated on the ocean, and that these violations affect our shipping, and commercial rights, to which the Canadas have no relation. The doctrine of retaliation has been much abused of late by an unnatural extension; we have now to witness a new abuse. The gentleman from Virginia has limited it down to a point. By his system, if you receive a blow on the breast, you dare not return it on the head; you are obliged to measure and return it on the precise point on which it was received. If you do not proceed with mathematical accuracy, it ceases to be just self-defence; it becomes an unprovoked attack. In speaking of Canada, the gentleman from Virginia introduced the name of Montgomery with much feeling and interest. Sir, there is danger in that name to the gentleman's argument. It is sacred to heroism! It is indignant of submission! This calls my memory back to the time of our Revolution; to the Congress of '74 and '75. Supposing a speaker of that day had risen and urged all the arguments which we have heard on this subject; had told that Congress, "your contest is about the right of laying a tax; and that the attempt on Canada had nothing to do with it: that the war would be expensive; that danger and devastation would overspread our country, and that the power of Great Britain was irresistible." With what sentiment, think you would such doctrines have been received? Happy for us, they had no force at that period of our country's glory. Had they been then acted on, this Hall would never have witnessed a great nation convened to deliberate for the general good; a mighty empire, with prouder prospects

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that any nation the sun ever shone on, would not have risen in the West. No; we would have been vile, subjected colonies; governed by that imperious rod which Great Britain holds over her distant provinces.

Sir, said Mr. C., the gentleman from Virginia attributes preparation for war to everything but its true cause. He endeavored to find it in the probable rise of the price of hemp. He represents the people of the Western States as willing to plunge our country into war for such base and precarious motives. I will not reason on this point. I see the cause of their ardor, not in such base motives, but in their known patriotism and disinterestedness. No less mercenary is the reason which he attributes to the Southern States. He says, that the non-importation act has reduced cotton to nothing, which has produced a feverish impatience. Sir, I acknowledge the cotton of our farms is worth but little; but not for the cause assigned by the gentleman from Virginia. The people of that section do not reason as he does; they do not attribute it to the efforts of their Government to maintain the peace and independence of their country; they see in the low price of the produce, the hand of foreign injustice; they know well, without the market to the Continent, the deep and steady current of supply will glut that of Great Britain; they are not prepared for the colonial state to which again that Power is endeavoring to reduce us. The manly spirit of that section of our country will not submit to be regulated by any foreign Power. The love of France and the hatred of England has also been assigned as the cause of the present measure. France has not done us justice, says the gentleman from Virginia, and how can we without partiality resist the aggressions of England? I know, sir, we have still cause of complaint against France; but it is of a different character from those against England. She professes now to respect our rights, and there cannot be a reasonable doubt but that the most objectionable parts of her decrees, as far as they respect us, are repealed. We have already formally acknowledged this to be a fact. I, however, protest against the whole of the principles on which this doctrine is founded. It is a novel doctrine, and nowhere to be found out of this House, that you cannot select your antagonist without being guilty of partiality. Sir, when two invade your rights you may resist both or either, at your pleasure. It is regulated by prudence and not by right. The stale imputation of partiality to France is better calculated for the columns of a newspaper than for the walls of this House. I ask, in this particular, of the gentleman from Virginia, but for the same measure which he claims for himself. That gentleman is at a loss to account for, what he calls, our hatred to England. He asks, how can we hate the country of Locke, of Newton, Hampden, and Chatham; a country having the same language and customs with ourselves, and descending from a common ancestry. Sir, the laws of human affections are uniform. If we have so much to attach us to

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that country, powerful indeed must be the cause which has overpowered it.

Yes, sir, there is a cause strong enough. Not that occult courtly affection which he has supposed to be entertained for France; but it is to be found in continued and unprovoked insult and injury. A cause so manifest that the gentleman from Virginia had to exert much ingenuity to overlook it. But, sir, here I think the gentleman, in his eager admiration of that country, has not been sufficiently guarded in his argument. Has he reflected on the cause of that admiration? Has he examined the reasons of our high regard for her Chatham? It is his ardent patriotism; the heroic courage of his mind that could not brook the least insult or injury offered to his country, but thought that her interest and honor ought to be vindicated at every hazard and expense.

I hope, when we are called on to admire, we shall also be asked to imitate. I hope the gentleman does not wish a monopoly of those great virtues to remain to that nation. The balance of power has also been introduced as an argument for submission. England is said to be a barrier against the military despotism of France. There is, sir, one great error in our legislation. We are ready enough to protect the interest of the States; and it should seem from this argument to watch over those of a foreign nation, while we grossly neglect our own immediate concerns. This argument of the balance of power is well calculated for the British Parliament, but not at all fitted to the American Congress. Tell them that they have to contend with a mighty Power, and that if they persist in insult and injury to the American people, they will compel them to throw the whole weight of their force into the scale of their enemy. Paint the danger to them, and if they desist from injury, we, I answer for it, will not disturb the balance. But it is absurd for us to talk of the balance of power, while they by their conduct smile with contempt at our simple good-natured policy. If, however, in the contest, it should be found that they underrate us, which I hope and believe, and that we can affect the balance of power, it will not be difficult for us to obtain such terms as our rights demand. I, sir, will now conclude by adverting to an argument of the gentleman from Virginia used in debate on a preceding day. He asked why not debate war immediately. The answer is obvious: because we are not yet prepared. But, says the gentleman, such language as is here held will provoke Great Britain to commence hostilities. I have no such fears. She knows well that such a course would unite all parties here; a thing which above all others she most dreads. Besides, such has been our past conduct, that she will still calculate on our patience and submission till war is actually commenced.

Mr. DESHA said—Mr. Speaker, the report of the Committee on Foreign Relations, of which the resolution now under consideration forms a part, is not what I thought would have been the most advisable to adopt, in order to meet the emergency; not that I was for immediate war, as we

are unprepared for that event; but, sir, in addition to the force recommended, and authorizing the arming the merchant vessels, I was for adopting the convoy system. But, sir, as the report is of a character different from the temporizing policy heretofore pursued, and one, if not decisive in itself, which will lead to something decisive; and as I am now perfectly satisfied, that it is the intention of the Government to follow it up by ulterior measures, calculated to prove the necessity of these preparatory steps, and as union, under existing circumstances, is all important, as one of the committee I am bound to give it my support.

Sir, discovering no disposition on the part of Britain to relax in her Orders in Council, to cease her oppression, or to make restitution for the damages we have sustained; but on the contrary, a manifest disposition to persist in her lawless aggressions, it therefore becomes necessary not to depend any longer on countervailing restrictive systems, but to adopt something of a character more energetic, and more congenial to the wishes of the American people. Sir, while I thought there was the most distant probability of obtaining justice by peace measures, I was an advocate for peace; but, sir, when I see not the least prospect of a revocation of her destructive Orders in Council, of the release of our impressed countrymen, a relinquishment of the principle of impressment, nor restitution for damages, I am for assuming a war attitude—consequently shall vote for the report of the committee, because I believe the force there contemplated will be an efficient force, and adequate to the purposes intended, to wit, the subjugation of the British North American Provinces.

Sir, to enumerate the aggressions committed on our rights by Britain, the depredations on our commerce, the murder and impressment of our countrymen, and the indignities offered our flag, would be taking up your time unnecessarily—particularly sir, as those enormities must be recent in the mind of every member present; and as it is time to lay aside the war of words and proceed to actions, I shall not detain you long with any remarks of mine.

Sir, remonstrances against atrocities have been made in vain; experience has taught us nothing can be expected from negotiations. We have been negotiating for fifteen or twenty years, at an enormous expense, say nearly half a million of dollars, and the causes of which we complained have regularly increased; insult has been heaped upon injury, we have suffered ourselves to be buffeted, kicked, and treated with all kind of indignities with impunity. Yes, sir, insult has been the result of all late attempts at negotiation; for instance, sir, Mr. Rose was sent for no other purpose than to gull the Government, and because Erskine was disposed to do us justice in part, he was recalled and disgraced. The conduct of the Copenhagen gentleman, Mr. Jackson, demonstrated that he was sent for the purpose of bullying the Government. And pray Mr. Speaker, what has Mr. Foster been sent for? why, sir, in my opinion for no other purpose than to operate as

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an opiate on the Government; to lull us to sleep. As a proof of which, about the commencement of the session, a session convened by proclamation, which was naturally calculated to agitate the public mind, he comes forward with offers of reparation as he calls them, but which in my estimation is no more than a patch, calculated to cover one corner of the wound the nation received, in that wanton and dastardly outrage, the attack on the Chesapeake; but, sir, in his soporifics I trust he will be disappointed. I have no hesitation in saying, that when the letters from this Minister to our Government are examined by the people, that independent of the arrogance bordering on insolence, in which they are couched, so characteristic of that nation, they will have a different effect from that of conciliation; the illiberal and disingenuous demands made preliminary to the revocation of the Orders in Council, will have a tendency to rouse the public mind; they will be looked on with an indignant frown by all real Americans.

Sir, we have been constantly annoyed, assaulted openly and insiduously; we have been plundered, oppressed, and insulted; we thought it preferable to forbear while forbearance was possible, than to plunge into the evils of war, to redress the evil of plunder and partial and dastard-like outrage; we judged it better to abandon the wealth which the afflictions of the world held out to the avidity of commercial speculation, and consequently withdrew from the ocean, by the adoption of the embargo—a measure of all others the best calculated to meet the then emergency, and which would, I have no hesitation in saying, have produced the desired effect if we had have had firmness enough to have adhered to it, and virtue and patriotism enough to have enforced it. But, sir, partyism was our ruin; it proved that we had as much to fear from our domestic enemies as our foreign foes, and apparently the greatest evil we had to apprehend was in falling a victim to our own political dissensions, occasioned by the deeply laid plans of our deadly foe, Britain. Sir, during embargo times our domestic enemies, encouraged by a proclamation issued under the authority of the King of England—I say, sir, those minions of royalty concentrating in the East, talked of the violation of laws as a virtue, they demoralized the community by raising the flood-gates of civil disorder; they gave absolution to felons, and invited the commission of crimes by the omission of duty. But, sir, the day of retribution is (I trust) not far distant, when those among us who to gain the favor of our enemy have betrayed their country, will sink into insignificance and contempt; the wages of iniquity will not shield them from due infamy.

Well, sir, in a tremor, the embargo was laid aside, without the cause being removed for which it was adopted, and a non-intercourse substituted in its place, which was also removed without even giving it an experiment; and the causes of complaint not only existing, but regularly increasing. Then, sir, degradation, national abasement, began to stare us in the face; then, it was, sir, that we

began not only to lose credit abroad, but respect at home.

The act of May 1st, 1810, was the next measure resorted to; which held out proposals to the two principal belligerents, that if either of them would rescind their orders or decrees destructive of our rights, against a given time, and the other party should fail to revoke within three months thereafter, that we would reinstate our restrictive system—that is, the non-importation—against the party so failing to revoke. Sir, this act was not marked with that manly character expected among a nation of freemen; in fact it had the appearance of truckling to tyranny; but, however it was marked with the character of pusillanimity, it proved that good may rise out of evil; not that I viewed the revocation of the French decrees as arising from any good disposition the French Emperor had towards us, but because it suited his interest and convenience. Well, sir, however grating to the feelings of freemen this act might have been, it was instrumental in bringing about a revocation of those obnoxious measures, the Berlin and Milan decrees.

Sir, as to the revocation of those decrees, there are incontestable proofs, of such a nature that a man must be a sceptic indeed not to believe; but, sir, I will not detain you, by referring to the documents for proofs, as they are in the hands of every member. The President's proclamation is sufficient to establish the fact, agreeably to the act of May 1st, 1810. But if doubts still remained, the circumstance of there not having been a single American vessel condemned in any of the continental ports, since the first of November, 1810, must be satisfactory of the revocation of those decrees as far as they respect our neutral rights; consequently, under this compact, public faith stands pledged, as far as respects keeping up the non-importation—and sir, however impolitic the act was by which we were pledged, I am not for prostrating national faith.

Well, sir, how has the other belligerent acted? a Government that has been eulogized by some gentlemen, and made out a complete model of virtue, a nation great, virtuous, and magnanimous. Why, sir, Britain, after her repeated declarations that her blockading system, and Orders in Council, were only intended as retaliatory measures against her enemies, and should cease to operate on the date of the revocation of the Berlin and Milan decrees, still persists in her iniquitous Orders in Council, in which the blockading system is merged, notwithstanding the date of the revocation of the French decrees took place upwards of a year ago. What do gentlemen think now of British faith? can they repose any longer implicit confidence in that corrupt Government? Certainly they ought not. Sir, henceforward we may consider British faith as proverbial as Carthaginian faith.

The report of the committee is not a recommendation of war, but it is what will unquestionably lead to war, if our grievances are not redressed in a short time; it is in my estimation, an effectual force to answer the contemplated and

avowed purpose, the subjugation of the British North American Provinces. Sir, the present Military Establishment, when filled up, is about ten thousand; in addition to this, the committee considered that ten thousand regulars together with the fifty thousand volunteers would be an adequate force; but, sir, situated as we are, when war is inevitable, or an abandonment of our rights, and the prostration of national character, I would not stickle on a few thousand, as I consider it better to have a few thousand more than to have one man under the necessary number. And, sir, I would be willing to go further than is contemplated by the report; I would be willing to allow the volunteers a bounty in land in proportion to their time of service. I have said, sir, that the report of the committee would lead to war, and, sir, I would not be worthy of the name of a freeman of America, a friend to civil liberty, if I did not prefer war with all its accompanying evils to abject submission.

Although Mr. Speaker, I believe, under existing circumstances, a war attitude necessary, or at least preparatory steps calculated to meet that event; and although situated as we are, I am for the whole of our legitimate rights; yet sir, I would not be willing to involve the country in war, in defence of the extensive and circuitous carrying trade, separate from the other causes; that is, that we should become carriers for the whole world; as Government receives no benefit from this circuitous carrying trade, only as it is calculated to aggrandize a few individuals engaged in it. I should be for holding fast the claim to the circuitous carrying trade, and would be willing to operate on our enemies by adopting countervailing restrictive systems. But, sir, I would not be willing, that the good of the States, the good of the people, the agriculturists and mechanics, should be put at hazard to gratify the avarice and cupidity of a small class of men, who in fact may be called citizens of the world, attached to no particular country; any country is their country where they can make the most money. But, sir, for what is an inherent right, for what I deem the legitimate, or necessary carrying trade, the liberty of carrying our productions to foreign markets, and with the return cargo, in which agriculture is particularly interested, I would fight in defence of it.

Sir, we have come to a pretty pass indeed; for adopting municipal regulations we are threatened with retaliation. Mr. Foster has had the audacity to charge our Government with injustice, and after advising us to retrace our steps, says, that as our Government still persist in their injurious measures against the commerce of Great Britain, that his Royal Highness has been compelled to look to measures of retaliation; and, Mr. Speaker, they have retaliated with a vengeance to it, by capturing and making prizes of all the American vessels coming within their grasp, not excepting those on our own coast, and within our waters. Sir, can we tamely look on and see our citizens plundered, see our rights wrested from us; rights, in the obtaining of which

so much virtue was displayed, and for which so much blood was shed, during that sanguinary and remorseless war, carried on against us by Great Britain? Can we look on and see ourselves plundered, and thousands of our fellow-citizens impressed, taken from their lawful pursuits, carried into captivity, and ignominiously confined on board of British ships of war: subject to be incarcerated, compelled ingloriously to fight for principles, inconsistent with justice, and repugnant to the feelings of freemen?

Sir, our demands have been bottomed on justice—peace has been our object, which has been manifested by the numberless sacrifices we have made; and, sir, it is to be lamented that in the prosecution of this laudable design, the injustice of our enemies has suspended our usual pursuits, and subjected our commerce to the rapacity of those invaders of our rights. But, sir, the cup of forbearance is exhausted; it is time to sound the tocsin of alarm—to gird on our swords, to prepare for action. Sir, to step one step further without showing that spirit of resentment becoming freemen, would be to see national degradation stare us in the face—would be to acknowledge ourselves unworthy of self-government, to prepare for a state of vassalage.

Mr. Speaker, by an examination of the correspondence between Mr. Foster and our Government, it will be found that an explicit demand has been made of the revocation of the Orders in Council by our Government, and a positive refusal on the part of Great Britain, or what is tantamount. Here, then, sir, we are completely at issue, and I know of no other way of deciding it than by battle or submission; which of the two will be resorted to by the National Councils, I am yet unable to determine; but with the people, the former would be laid hold of with avidity, and supported with Spartan bravery.

Sir, we have heard much of the expense of a war, and have been told that the people would not support you in it. What, sir, a country so extensive as America, so populous, abounding in wealth, and, I trust, the people patriotic, possessing a full share of national pride, and not be willing to be at the expense of supporting their rights? This is, in my mind, a preposterous idea; it is a kind of calculating policy that does not pervade this land of liberty. The people cannot estimate, in pounds, shillings, and pence, the value of national honor and rights: they are fond of peace, but honor and interest bind them to oppose oppression and defend their rights, independent of the consideration of expense; at least, I can vouch for those whom I have the honor to represent—they are disposed to cherish economy as a principle of virtue in a Republic; but, sir, at a time as perilous as the present, when our rights are invaded and our honor assailed, they would be willing that every shilling should be drawn from the public chests, every cent from private purses, rather than succumb to tyranny; they are determined, at the risk of their lives and fortunes, to transmit to posterity, unsullied, those inestimable blessings of liberty and independence which

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were achieved by the valorous actions of their ancestors.

Sir, the most infatuated partisan of Great Britain cannot but see in her conduct an unequivocal proof of the rapacious and vindictive policy which dictates her measures: all men must see that the flagrant injuries which we are now suffering from her, proceed from a general plan of piracy, from a disposition to ravish from us whatever may contribute to their convenience, independent of national law.

Mr. Speaker, this temporizing and vibrating policy has had a tendency to unnerve patriotic ardor, and to paralyze the national energies. Sir, the destruction of our navigation and commerce; the annihilation of mercantile capital; the extinction of revenue—these would be minor evils. A few years of security and exertion might repair them; but the humiliation of the American mind would be a lasting and mortal disease. Mental debasement is the greatest misfortune that can befall a people. The most pernicious consequence that a Government can experience, is a conquest over that just and elevated sense of its own rights, which inspires a due sensibility to insult and injury, over that manly pride of character which prefers peril or sacrifice to the submission to oppression, and which considers national ignominy as the greatest of national calamities. Sir, as a respectable, numerous, and wealthy nation, I am not sure but we have carried our moderation to a degree of criminality. Yet, sir, I acknowledge moderation in all Governments a virtue. In weak or young nations, it is often wise to take every chance by patience and address to divert hostility, and sometimes to hold parley with insult and injury; but, to capitulate with oppression, or to surrender to it at discretion, is, in any Government that has any power of resistance, as foolish as it is contemptible. Sir, the honor of a nation is its life. Deliberately to abandon it, is to commit an act of political suicide.

Mr. Speaker, there is reason in the sentiment, avowed in the language of some, and betrayed by the conduct of others, that we ought to submit to oppression, or any kind of evils, rather than go to war with England; because, say gentlemen, she is fighting the battles of the world, and is keeping a more dangerous enemy from us; that, if we were to commit an act that would lead to war with Great Britain, we would have in a short time the tyrant of France upon us, and would soon be in as wretched a situation as the peninsula of Spain. This, in my opinion, is not only dangerous, but dastardly doctrine. Sir, the people that can prefer disgrace to danger are prepared for a master, and deserve one; but, thank God, the people of America have not caught this panic; they are not so far lost to a sense of honor, or so destitute of patriotism, as to prefer submission, abject acquiescence, to oppression, to war.

Mr. Speaker, all attempts to bring about an amicable adjustment of differences have failed. It would be folly in the extreme to depend upon negotiation any longer. We must determine on doing ourselves justice. There is no alternative

left but to repel aggression and defend our rights. The resolution to do this is imposed on the Government by a painful, but irresistible necessity. Then, sir, is it not necessary to adopt these preparatory measures, to be in readiness for not only defensive, but offensive operations? Then, I call on the manly spirit of American virtue—on all those who are American at heart—to bury animosities; to lay aside prejudices, which are not based on integrity and honor; to stand forth for the honor and welfare of our common country; to be the defenders of those inestimable rights achieved by the valor of the heroes of 1776. This is the time not to have it attributed to fear or baseness—the time for men of all parties to rally under the good old Whig standard.

Sir, my view is, if an honorable adjustment of difference between this Government and the Government of Great Britain does not take place against next Spring, by a revocation of the Orders in Council, a release of our impressed American seamen, together with a relinquishment of the principle of impressment and ample reparation for damages, that we grant letters of marque and reprisal, and, by a system of privateering, cut up their commerce; and, as I hope to see the day when the British will have no Halifax on this continent, to send captured American vessels to for adjudication and condemnation, that we make a descent on their North American possessions, by which we shall check their influence, particularly over the savages, by cutting off all communication with those hostile barbarians on our borders. Sir, I am not so passive as to subscribe to the doctrine advanced yesterday in a lengthy harangue, which in substance amounts to a recommendation of patience and resignation, as the remedy against oppression. I know that war is to be deprecated—that it ought to be made the last resort, so as to preserve national honor, which ought to be deemed paramount to every other consideration—but, sir, as I deprecate a state of war, I have never been taught to consider it the greatest of evils. Our ancestors did not consider it so: they not only broke to pieces the chains that were forging, but they cut asunder the ties which had bound them, and launched into an ocean of uncertainty. Success crowned their efforts—they dispelled the thick clouds of oppression, and shook off the fetters of despotism—and, sir, have their descendants become so degenerate as to suffer them to be rivetted on again, by an abandonment of inherent rights, and truckling at the feet of Tyranny? I trust not. I flatter myself that the National Councils will awaken from their political slumberings; that they will act worthy of themselves, and up to the expectations of the people.

Mr. TROUP rose to make an effort to put an end to the debate; a debate in which the great mass of the House were enlisted on one side, against the solitary gentleman from Virginia (Mr. RANDOLPH) on the other. I trust, sir, the period has arrived when the House will feel itself bound, by the imperious calls of the country, to act, and to act promptly. I am ready to go heart and hand

with the advocates of the resolution; all I ask is, that they will lead with prudence and discretion; deliberate when deliberation is useful, act when action is necessary. But, if the spirit of debate, as in former times, has seized upon us; if idle verbiage and empty vociferation are to take the place of manly and energetic conduct, I enter, at this early stage of the proceeding, my solemn protest. I cannot, I will not, share the responsibility of this ruinous course. Indeed, sir, so conscious do I feel of the evil—nay, of the danger to the country from the course which has been adopted, I shall be constrained to call for the previous question, unless my friends shall interpose the more pleasant corrective, their own good sense, to stop it. I know, sir, they have been impelled by the most honorable sentiments, the most generous passions, patriotism, honor, zeal for their country, rage against her oppressors. They are good reasoners, they are eloquent—but of what avail is argument, of what avail is eloquence, to convince, to persuade, whom? ourselves, the people? Sir, if the people are to be reasoned into a war now, it is too soon, much too soon, to begin it. If their Representatives here are to be led to it by the flowers of rhetoric, it is too soon, much too soon to begin it.

When the honorable chairman of the Committee of Foreign Relations (Mr. PORTER) reported the resolutions, I had hoped he would have made a motion to go into conclave, or, if that had not been deemed advisable, that at least the resolutions, when taken up with open doors, would have been treated as a system of defensive measures called for by the exigency of the times, and affording no just ground of complaint to any Power which might please to consider itself the object of them. Such a course would have been not less consistent with the report of the committee itself, than with the letter and spirit of the President's Message. The President himself would have been fortified by it. When the British Minister called, as he undoubtedly will, upon the President, to demand the causes of these warlike preparations, he might have been answered: Sir, they are no other than what they purport on the face of them to be, a system of defence on the part of the American Government, called for by the state of the world; or, if he pleased, he might have said, called for by the attitude which His Britannic Majesty had assumed, the propriety of which no nation had a right to question. But, instead of this, what had been done? Why, at the very outset, we have been told the measures were intended as measures of offensive hostility; that the army was to be raised to attack Canada; nothing short of it; all the advocates of the resolution declared it. Now, sir, could a more public or formal declaration of war have been made? Contrary to the practice of all nations, we declare first and make preparation afterward. More magnanimous than wise, we tell the enemy when we will strike, where we will strike, and how we will strike! Do we mean a mere bravado? Impossible. No man who knows the advocates of the resolutions would suspect it; but we hope

the enemy will recede; she may; but if she should not, let gentlemen look to the consequences; let them look well to the character of that enemy: is he feeble, spiritless, destitute of resources, without courage, without honor? No, sir, with two hundred and fifty thousand regulars and all the munitions of war in store, his fleets and transports manned, equipped, and provisioned; their sails bent to every wind, they ask but one hundred and twenty days to reinforce Quebec, to fortify Montreal, to guard the passes into Canada, to march the supernumeraries to Boston. Here we sit in idle debate. Sir, I do contend most seriously, that ten thousand regulars can march to Boston in defiance of the militia of Massachusetts, well armed and organized as I know them to be. Well, sir, suppose this should happen, and more wonderful things have happened, what will be said? What will my friend from Virginia say to the first victims of the war? Why, he will say, "this is no war of mine, I exerted all my strength to turn these people from their mad and desperate career!" The gentleman from Virginia exonerates himself from all responsibility by the very act of opposition; but, what can be said of us, the advocates of the resolution, to whom all responsibility attaches? That "we had not finished our war speeches!" that "we could not begin to raise men until we had finished them!" Sir, believe me, the people of this country want no such speeches; they will go to war, because they believe war is necessary to the preservation of their honor and substantial interest; they want men and arms to defend them—not words. If gentlemen persevere in the debate, I will call the previous question. The safety of the State, after what has been said and done, demands it, and all considerations must yield to that.

Mr. MACON considered the present, from the turn the debate had taken, the most important question which had come before the National Government for many years past, because it was evidently discussed as a war question, though the real question before the House, if adopted, did not declare war. It was not now a question by what means or by whose measures the nation was brought into its present situation; it must, however, be satisfactory to all, that the Administration has done everything that could have been expected, to avoid the present crisis, and to keep the nation at peace. If the British Government would cease to violate our neutral and national rights, our difficulties would be at an end. It was no longer a question about the colonial carrying trade—that was at an end; because Great Britain might now be considered as possessing all the West India islands; and as we have now neither sugar nor coffee to carry, she has determined to execute with rigor her unjust orders against our carrying the productions of our own soil to any market except her own, or that of her allies. This is attacking the best interest of the country; indeed, it is taking the profits of both planter and merchant. Hence, none of our exports bring a price by which we can live, except flour; and that would be no better than any other article of ex-

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port, was it not that Great Britain and her allies, Spain and Portugal, want it for the support of their armies; it is their wants, and the great difficulty of getting their wants supplied anywhere else, that keeps up the price of wheat.

Notwithstanding these were his sentiments, he thought it would be going too far to consent, by the vote he was about to give, that he pledged himself to vote for any measure which the Committee of Foreign Relations might hereafter bring forward, when he did not intend to vote for all the resolutions contained in the report which was now under consideration. Our affairs must now command the serious attention of every man in the nation. We must either prepare to maintain the right to carry our produce to what market we please, or to be content without a market; to attempt another negotiation would be useless; every effort has been made in that way that could be made. Indeed, no one has yet said that he wished another. He was as desirous of peace as he ever was; and if any plan shall be proposed by which the peace of the country can be preserved, and the right to export our native produce maintained, he should still prefer it to war; but if no such plan can be devised, he was willing to go to war for that right. He was also willing to declare the points to the nation for which we went to war, and rather than not succeed, he would carry it on for fifty years, and longer if necessary. He felt no hesitation in declaring, that he would not go to war to encourage the nation, or any part of it, to become manufacturers, (and it may not be amiss to observe that, from the day that this report was laid on the table, we have heard nothing about manufactures;) nor would he go to war for the purpose of building a navy. He mentioned this, because he had heard a good deal said of late about increasing the fleet and building seventy-fours. If, therefore, it was to be a war either to encourage manufactures or to build a fleet, he should be opposed to it; he would rather remain as we are while longer, bad as our situation is, than to stick these two set-fasts to the back of the nation, neither of which it could ever get clear of. A peace in Europe might free us from our present embarrassments, but from the other, once established, we can never expect to get free.

He could not agree with the gentleman from Georgia (Mr. TROUP) that the House ought now, by the previous question, to put an end to the debate; on the contrary, he wished every member might have full time to deliver his sentiments on this great question; for his part, he wished to hear the opinions of those who lived on the Eastern frontier; he was gratified that several of the members of the Western had favored the Committee with theirs. He expressed this wish, because the part of the country which he represented was in the middle country, about the same distance from the mountains and the Atlantic ocean, in no danger of being surprised or injured by any plundering party; but if the House was to do that which the gentleman from Georgia seemed to desire, it would do no good; because, if our object be to

invade Canada, it can scarcely be expected that this could be done with our utmost exertions by regular troops, hereafter to be raised, sooner than June or July. Hitherto, our proceedings have been carried on not only with good humor, but with great urbanity also; to stop the debate, might have a tendency to change this, which no one would regret more than the gentleman himself. Before we raise an army, and provide it with everything necessary for marching, we have much to do. We have now no Washington to command, and, since the days of Joshua, I have read of no such man; such men do not appear every century, and a thousand years will hardly produce one. It is quite probable, except the Commander-in-Chief, as good or better appointments may be now made, than were made at the beginning of the Revolution; because there are now more men of experience in the country than there were at that time; and, also, because the men of talents and experience are much better known to the National Government now than they then were; besides the selection of officers, the wagons, carts, and provisions, are to purchase, and almost every other article necessary for a marching army. It may not be improper here to remark, that this is not a Government of confidence; and that, before we go too far, we ought, by some means or other, to know who is to command the Army. There cannot be much difficulty in this, especially as every department of the Government seems willing to raise a force adequate to the purpose for which it is wanted. And here, sir, permit me to say, that I hope this is to be no party war, but a national war, in which every person in the nation may have a fair chance to participate in the honor and glory to be acquired in the field of battle, and in defence of the rights of his country. Such a war, if war we shall have, can alone, in my judgment, obtain the end for which we mean to contend, without any disgrace. Before I sit down, it is proper for me to say, that I shall vote for the resolution now under consideration, but, in doing this, I give no pledge to vote for the number of men that has been mentioned in debate. Almost every number, from fifty thousand down to fifteen thousand, have been stated as the proper number to be raised; when these are compared with the number (ten thousand) mentioned by the chairman of the Committee of Foreign Relations, (and I understood him to say that was the number wanted by the Executive,) it appears more like guessing than calculating. The Administration, no doubt, know the number of troops in Canada and in all the American continental dominions of Great Britain; this is not known to the House—of course we can do nothing but guess; and it is enough for me at present to vote the number which it has requested. If I should appear too cautious about voting men, it ought to be remembered that I voted for six thousand additional troops, under the belief that Great Britain had made war upon us, and that afterwards the law raising them could not be repealed.

One word as to what has been said about secret proceedings; they are useless, and experi-

ence has convinced the nation that Congress has never kept a secret one week; it is known to all the world that both France and England use money to buy political secrets; but as the documents are public, it would have appeared a little strange to keep the proceedings in the Legislature which originated from them a secret.

Mr. SMILIE spoke in favor of the report; when the House adjourned.

FRIDAY, December 13.

Mr. LEWIS presented a petition of sundry inhabitants of that part of Washington county, in the District of Columbia, lying west of Rock Creek, praying that the Levy Court of the said county may be empowered and authorized to levy county taxes on that portion of the county comprehending the City of Washington.—Referred to the Committee for the District of Columbia.

Mr. LACOCK presented a petition of the members of the several Christian denominations, in the western parts of the United States, praying that the mails of the United States may not be carried, and that post offices may not be opened, on the Sabbath day.—Referred to the Postmaster General.

Mr. BLACKLEDGE moved that the House do come to the following resolution:

Resolved, That the President of the United States be requested to cause to be prepared and laid before this House, a digest of the system of rules and regulations by which the regular troops of the United States are trained and disciplined.

The resolution was read, and ordered to lie on the table.

Mr. RANDOLPH moved that the House do now proceed to consider the report of the committee of conference, made the eleventh instant, together with the message from the Senate adhering to their amendments to the bill, "for the apportionment of Representatives among the several States, according to the third enumeration;" which was decided in the negative.

FOREIGN RELATIONS.

The House resumed the consideration of the report of the Committee of Foreign Relations.

Mr. DAWSON.—When we are about to take a step, to assume an attitude which must change all our foreign relations, and may produce a change in our political character, it becomes us to summon all our wisdom—to collect all our moderation and firmness, and to unite all our energies and exertions. It becomes us to be "neither rash or diffident," or, to use the language of one of the greatest men who ever lived in the tide of times, "Immoderate valor swells into a fault, and fear admitted into public councils betrays like treason." Such, sir, is the situation of the United States at this moment. We are about to take such a step—every sentiment therefore which can be offered demands its proportion of public attention, and renders that apology from me unnecessary, which, on any other occasion, common propriety would justify.

After the select Committee on our Foreign Relations had made their report, it seemed to me to

be their particular duty to give to this House a full exposition of their present and ulterior views and objects, and of those of the Administration, as far as they had ascertained them, founded on the information which, it is presumed, they possessed. For this I waited with patience, and have listened with attention and with pleasure—it has been given with promptness, with ability and with candor; and with that perspicuity which frees the mind from all doubt, as to the course which, in their judgment, we ought to pursue. And it now rests with us, sir, to determine whether we shall sanction their recommendation—whether we shall adopt those measures necessary and preparatory to a war in which it is probable our country will be engaged. Sir, in the course of my political life, it has been my duty to meet and to decide on some of the most important questions which have been agitated in our public councils, and deeply involving the best interests of our country; these duties I have performed with fidelity and without fear, and I pledge myself never to depart from that line of conduct; and, sir, at no period of my life, nor upon any occasion have I met any question with more serious deliberation and more undaunted firmness than I do the present.

For several years past I have been an advocate for the adoption of every measure, the object of which was to place our country in a complete state of defence, and prepare us to meet any state of things. I have thought, and do think that preparatory and vigorous measures are best calculated to maintain the dignity and secure the peace and happiness of our country—that to be prepared to meet danger is the best way to avert it. These preparations have not been carried to the extent which I have wished—and yet, sir, I am far from thinking that my country is in that feeble state which some gentlemen seem willing to represent it. I feel myself authorized to state, that we have all the necessities; all the implements; all the munitions necessary for a three years' close war against any force which any Power can send to this continent.

All that we want, are men. No, sir, pardon the expression—all which we want is an expression of the will of the nation. Let this House, let the constituted authorities declare that will—let them declare "The Republic to be in danger," and thousands and tens of thousands of our fellow citizens will rally round the standard of their country, resolved to support her rights, avenge her wrongs, or perish in her ruin. Yes, sir, should that awful moment ever arrive, which may Heaven avert!—should we be forced into a war in the defence of our just rights, I trust and believe that there is not a man in the nation, whose situation will permit, who will not be ready to march at his country's call. No man more devoutly prays for peace than I do; no man deprecates large standing armies in the time of peace more than I do—I consider them the bane of society and the danger of republics; but, sir, as peace, honorable peace is not always at our command, they must be resorted to in time of war.

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Mr. Speaker, we have heard much of expense of taxation and of economy. Sir, no man admires true economy more than I do—no man abhors that which goes to defeat itself more than I do. The one is wisdom, the other folly; and although I am an advocate for economy, and a rigid distribution of the public funds, and opposed to taxation, yet, sir, there are times and circumstances, when considerations of that sort, when all minor considerations, must be subservient to what we owe the public—when to be freemen we must cease to be misers. When the peace, the honor, the independence of my country are threatened, rather than sacrifice, rather than endanger them, I would draw every cent from your public coffer, every sous from your private purses; and this, I am bold to say, is the undivided sentiment of those I have the honor to represent.

Mr. Speaker, when I rose, it was not my intention to go into the various reasons which will induce me to vote in favor of that resolution, or to recapitulate the wrongs which urge its adoption; they have been fully stated in the report of the committee itself, and to use its own words, "The cold recital of wrongs, of injuries and aggressions known and felt by every member of this Union, could have no other effect than to deaden the national sensibility and render the public mind callous to injuries with which it is already too familiar." Nor, sir, do I mean to underrate or to belittle the power and resources of the nation with whom we shall probably be engaged, I know her to be great and powerful, and that we shall find a foe not unworthy our sword. I know that our countrymen will be subjected to great difficulties, hardships and dangers; but confiding in the justice of our cause, and in their virtue and valor, I entertain no doubt of the result.

Mr. NELSON protested against the doctrine that in the vote he was about to give he should pledge himself to the support of whatever ulterior measures the Committee of Foreign Relations might choose to adopt. He was sensible that he should hazard the censure of his associates in the Republican cause by the observations he proposed to submit. Nay, his Republican friends might have the audacity to denounce him as an apostate, but the people had intrusted him with their dearest rights and interests, and he was resolved to pursue these according to his best judgment, regardless of the strictures of friends, and of the contumacious abuse of the press. Proscription should have no influence on his conduct. And hence he must express his astonishment at those gentlemen who had threatened the House with the previous question, when they themselves admitted the vast importance of the subject under discussion. Tacitus informs us that even the semi-barbarian Germans, when war was to be decided on, took two several occasions to debate upon it—one, when they were in the full possession of their natural faculties; and, second, when they were excited by extravagant circumstances. But in these enlightened days it seems that we are to decide this all-important question without debate! He begged gentlemen to divest them-

selves of passion. It was not a time to bow to the influence of improper feelings. They ought calmly and coolly meet the subject. They were to decide upon a question which was of no momentary nature. If they did go to war, it would be a lasting war; and he agreed with the gentleman from Georgia, (Mr. TROUP,) that if war-speeches were necessary to bring the House to the sticking point, it was much too soon to begin war.

He proposed to consider these resolutions as a measure of hostility, according to the views of its advocates, and then as a measure of defensive preparations, agreeable to the spirit of Executive recommendation, which was favorable to peace. What were the objects of the war? To establish our neutral rights, to exempt our seamen from impressment, the repeal of the Orders in Council, and of the blockades, and the security of the American flag. What would be the effects of war, the tocsin of which was for the first time sounded through the land? Our country had been blessed by Providence with more than thirty years of peace and plenty. The habits of the people were pacific. The trifling hostilities with England were of no consequence. But now the yeomanry of the country were to be called to arms as if our own territory were to be invaded. He sympathized with the sufferings of his impressed and incarcerated fellow-citizens; but would a territorial war exempt them from impressment? Would it establish our neutral rights? Certainly not. The way to enforce these rights was by a great maritime force, which the nation were incompetent to raise and support.

But the advocates of immediate war said that if they could not obtain their objects by direct hostility on the ocean, they could do it by a *succedaneum*—by the exercise of the *lex talionis* in an indirect way. After issuing letters of marque, they would resort to the invasion of the enemies' territorial provinces. He contended that this would be inefficacious, and maintained that to convert our merchants into privateers would be to turn them loose upon the seas as highway robbers. They would not be competent to carry on a war in this way. They would have abandoned their peaceful pursuits; they would accept a fraternal embrace of French subjects; fight side by side with them, and submit themselves to the will of the French Emperor. However scrupulous gentlemen might now be, when the hour of danger came they would accept the alliance of France. The national interests would be identified with those of the European continent. We should adopt the continental system, in which our liberties and independence would be jeopardized.

He deprecated the invasion of Canada as an act of foreign conquest. We could not suppose that Great Britain would slumber over our occupation of it, and where should we find a stationery force able to keep possession of it as a conquered province? Admit it as a sister into the Union, we dare not abandon it at the peace, and therefore we could not give it back for the restor-

ation of our maritime rights. But suppose that Great Britain should be brought to her knees, (and this was all the most valiant of us would ask,) what have we to expect, if the power and the commerce of England should be thrown into the arms of France, from the high, the mighty, the imperial Napoleon? Would he respect us more than England would? They both follow their own interests, as we ought to follow ours. What would be the effect of this war upon ourselves?

He feared a war, not from a puerile fear of its expenses or of death, but from a manly dread of the consequences of this war, which must last as long as England had a ship at sea, or a man to man it. It must link us to the destinies of continental Europe; it would place us under complete foreign influence and foreign dominion; it would change our political institutions. The sages who framed the Constitution, and illumined it by their commentaries, had predicted that it would not suit to stand the shock of war. The Republic would be ruined by war. We do not want courage. The Revolution had shown proofs of the greatest valor ever exhibited by human nature. But few circumstances besides invasion would justify war. It would strengthen the Executive arm at the expense of the Legislature. The Chief Magistrate would have to carry on the war. He would, upon the plea of necessity, change our appropriations from one object to another. The Constitution would be sapped. The legislative power would be destroyed. He cared not for the prices of cotton and tobacco as compared with the Constitution. War would introduce a slavish subordination among the people. They would lose their republican simplicity, and their republican independence. They would neglect their homespun for the military plume and the gilded epaulette. Their morals would become depraved. Love of idleness, extravagance, and neglect of the dull pursuits of common life, would take place. The desire would again prevail of acquiring large fortunes by aid of invasion, at the expense of the war-worn soldier whose fruits would be taken away for a mere song, as they had been at the close of the Revolution. Cupidity would be introduced, and pervade the public mind.

I have made these remarks, Mr. Speaker, to repel the declarations of gentlemen, that to vote for this resolution would pledge me to embark in war. If war is necessary, I will not shrink from it, big as it is with calamity and ruin. It will be the duty of Government to obviate some of its evils.

I am in hopes, too, sir, that I have been so fortunate as to check the intemperance of the youth of my country. They will excuse me. I trust we may not be led away by the ardor of youth or of old age. I shall vote for the increase of the regular force, to go hand in hand with my friends, even in a war, if necessary and just. I have not made this speech to prove that I am against war.

Mr. FINDLEY said he had frequently observed members, after a question had undergone a very

tedious discussion, say that if the yeas and nays had not been called they would not have spoken on the question, but these having been called they must assign the reasons for their votes. He did not approve of that principle, because if it was to be reduced to practice every member would speak to every such question, and there would be no end of the debate. However, on this question, though he thought it had been sufficiently discussed, yet he deemed it proper to express a few thoughts, not so much to give the reasons for the vote he designed to give, as to explain the principles on which he designed to give his vote. He designed to vote for the resolution before the House, but not surely for the same reasons or with the same determined views that some honorable members have expressed. He would not dwell on the tyrannies and robberies of either the more ancient or modern despots or Governments of the old world, but confine himself to such as had a direct relation to the question depending before the House.

That the aggressions and bad faith of the British Government, and the recommendations of the Executive, were the foundation of the resolutions before the House was admitted by all that have spoken on the question. In order to be understood he would take a concise retrospect of our relations with Britain since nearly the commencement of the present Government of the United States.

During the First Congress an Indian war was commenced on our western frontier, and conducted as usual with savage ferocity; but, believing that it only resulted from the combination of a few tribes, our defensive measures at first were weak, and our first attempts unfortunate. But it soon became such a tedious and expensive war as to require for several years the exertion of all our resources. It had at last a fortunate conclusion; but during its progress our Government and the citizens were fully convinced that the Indians were encouraged and supported by the British Government.

We all knew that for several years past Indian councils have been convened by British agents, who influenced them by presents and employed them as emissaries to excite the peaceable Indians in our own territories to go to war against our new and dispersed settlements. It would be infidelity to doubt the truth of the Indians having received their arms, &c., from British agents, and though these British allies have got a check in the late engagement, yet it also has cost us dear. We have no ground to conclude that the danger is over; revenge is the predominant passion of savages, and though we have not such unequivocal proofs of the British in the present instance exciting the Indians to war and supplying them for that purpose, as we had in 1793, when President WASHINGTON received a copy of Lord Dorchester's speech to the Indian tribes encouraging them to war against our settlements, and promising them a co-operation of the British force—the copy of which gracious speech several members yet in Congress saw at

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that time and every member has heard of it—through a kind Providence that co-operation was prevented by the defeat of the British armies in Europe. Though we have not at present such explicit proofs that the Indians at present are acting as British allies, yet we have as much proof as the nature of the case can afford, and it would be very unwise if we did not act accordingly.

From the above view of the subject, if we had no other cause, I deduce the expediency of increasing our regular force agreeable to the recommendation of the President and of our committee. I think more has been said about taking Canada than was necessary. It is true, that during the same Indian war it was the opinion of our most sage politicians that we never could be secure against Indian war till we had possession of Canada, and by that means have it in our power to cut off the communication between foreign nations and the Indians on our frontiers and in our own territory. They said that neither our revenue, our credit or population would at that time justify the attempt; but that we were rapidly increasing in population and all other resources while the nations of Europe are wasting their own strength, but the time was fast approaching when we must repel national insults or surrender our independence. This was said particularly with respect to the impressment of our seamen. At the commencement of this outrage, never committed by any other nation but Britain, the public mind was very sensibly affected by it, but time and the frequent repetition of the injury seems to have rendered the public feelings callous. This put him in mind of what he had sometimes observed, that when the savages scalped a few families on the frontier, the whole country was terribly alarmed, but that after the savage butchery had continued and extended itself for some time, the sensibility seemed to abate. This had been evidently the effect of the continued impressment of our seamen.

Mr. F. said he did not vote for a respectable increase of our regular force with a settled determination of going to war. His fixed view was to prevent war, the best means for doing which, it was generally admitted, was to be prepared for it; this was the most effectual means of deterring other nations from forcing it on us, or doing us unprovoked injury. This was not the first occasion that he had heard threats of taking Canada talked of on that floor, he thought improperly. We were now called to make provision for such a force as would enable the Executive to preserve the peace of the country; whether it would become expedient to defend the country by offensive operations, was not the present question: what was now proposed, was to provide sufficient means of defence. Whether it became expedient to conduct that defence by offensive operations, was a question to be decided after the means were provided; it was his opinion that this provision was too long delayed.

If it is an advantage to a nation to have justifiable causes of war, the United States have pos-

sessed that advantage ever since the commencement of the present Government, and even before that period.* These causes with Britain have been sometimes relaxed, and sometimes changed their forms, but seem now to have come to a crisis. The impressment of our seamen, admitted by all to be a justifiable cause of war, has never been relinquished; but numerous other causes have now been added. Consulting what we thought expedient, we have borne a testimony against these injuries by every practicable restriction, short of hostility: in doing this, we consulted our own resources. Since these causes of war commenced, our population, our revenue, our credit, and other resources, have greatly increased. The question now is, whether they are so much increased as to render it expedient to provide for our own defence by offensive operations, if necessary. His own opinion was, that we were in that situation that it was our duty to make such provision as would have a tendency to prevent war; or, if war was necessary, would insure success; and on these principles he would vote for the resolution.

Mr. ROBERTS observed he should offer no apology for rising so late in this discussion, as the short time for which he was about to ask attention would not justify it. The eloquence and talents which had been so abundantly exhibited on this occasion, would not admit of more than a concise expression of his opinion, without subjecting him justly, to the charge of presumption. When the report now under consideration came first before the House, I was, said he, of the number of those who were disposed to decide upon it without debate. I have frequently been in the minority on the question of adjournment, from a wish to reach the question on the resolutions. Under these impressions I confess I viewed the challenge, or rather the invitation, given by the gentleman from Tennessee, (Mr. GRUNDY,) "to debate this subject now, if it was to be debated at all," more as the impulse of an ingenuous mind, preferring, on all occasions, an open course, than the dictates of prudence or necessity. Nor was it till after the gentleman from North Carolina (Mr. MACON) had invited and urged discussion, that I became disposed to join in opinion with them, the correctness of which the debate of this day has very much strengthened.

By the adoption of this report, we are entering on a system of operations of the utmost national moment; the effects of which the wisest amongst us cannot fully foresee, and on which we have no choice but to act. The discussion has already elicited opinions, which it is well to know exist; and the more so, since some of them admit the holders to vote for the report, while they allow them to be adverse to the measures which are necessarily to follow it. A little time may be well spent in comparing sentiments in this stage of the business, as it may be conducive to celerity of

* The British retaining the western posts, and the Spaniards retaining part of our territory, were justifiable causes of war.

movement in the sequel, and give more certain effect to the measures which must ultimately be followed.

Every political community must, of necessity, possess rights, which it may enjoy independently of, and in common with, every other. One of those rights is an uncontrolled jurisdiction over its own territory. It has long ago been found necessary for nations to settle by convention on the great scale where the limits of territory shall cease, and where the high seas shall commence. This convention, or law, has determined that the ships of neutrals shall be a part of the national territory; so long as they are careful to preserve a pacific character. Through the intervention of vessels navigating the high seas, nations in amity are enabled to overcome the want of proximity, and all the purposes of trade and commercial intercourse may thereby be extended, as well to the inhabitants of the remotest corners of the earth, as to those only divided by a geometrical line. An attempt to interrupt this intercourse by a third nation, is so serious an act of hostility and wrong, as not only always to justify, but to demand, resistance. The gentleman from Virginia (Mr. RANDOLPH) has said, the Government would not, on a former occasion, go to war, when their trade, which consisted in carrying the produce of one foreign country to another, was annoyed and cut up; and why not, he says, be pacific now, as well as then? While I agree that our national rights extend to both alike, admitting, however, every Government to make her own municipal regulations, I must be allowed to consider our direct export and import trade much better worth contending for, than what has been denominated our carrying trade. The cultivators and owners of the soil have never shown any disposition to fight for the latter trade; and for a very plain and consistent reason. War is sure to bring on its train of evils and expense; and where it is obvious that these will amount to more than the loss of the exercise of a right in its nature of but transitory use and minor interest, a free people may with propriety refuse to hazard them for its support. It is not for such a people to war for a speculative right or an empty name. The carrying trade, it must be owned, was profitable in exercise, but it was a profit that could be given up, without vital prejudice to the national interests. Not so with our fair export trade. To yield this, would be absolute recolonization. It must not only affect us, in the great resources of national strength; but it must break the spirit of our citizens, and make them infidels in the principle of self-government. It would, at the same time, add means and facilities to the aggressing nation to multiply her outrages. Give up the export trade to Great Britain, and you will next be required to give up the coasting trade, and to admit her navigation act to as complete operation in our bays and harbors, as it now has round the limited shores of the British isles. The spirit of commercial monopoly she has so pertinaciously manifested, proves that her ambition craves more than her means can aspire to. The wrongs she

has long been and still is committing towards these States, have assumed a character, that imperiously calls for a resistance, made by all for the benefit of all.

In the alternative offered in the non-importation acts for the restoration of friendly intercourse with Great Britain and France, they have only been required, "to cease to violate our neutral rights"—they are not required, as a preliminary to amicable relations, to make indemnity for past spoliation. This offer, moderate to faultiness, Britain avoids accepting, and, at the same time forfeits her plighted faith to the United States to keep pace with France in relaxing her aggressions, on a miserable equivocation. After so patient a forbearance; after so many, and so great sacrifices, made to avoid a resort to war; when moderation has uniformly invited injury; when an hostility, as inveterate, as constant and long continuing, can leave little hope of a change of temper on the part of the British Government, it is surely time to prepare to make a stronger appeal to her interests.

The report itself, and the discussion arising out of it, presents different considerations to the mind. The Executive Message has delineated the posture of our affairs with Britain, and has marked out a course of policy adapted to them with much clearness. From the mutual explanations of the members of the Committee on Foreign Relations, it appears that it became a question, whether their report should conform to the Message, or take a more advanced position. It has been made, however, very much in conformity with it, and the members of the committee have mostly given their opinions on ulterior measures with equal candor and ability. With the gentleman from Virginia, who spoke last, (Mr. NELSON,) I am ready to vote for the report; but by this vote I do not pledge myself further than to act as future exigence may justify. An attentive perusal of the Message has impressed my mind with a conviction that it is the result of much and wise deliberation. It is strongly marked with a correct and intimate knowledge of this subject. The Constitution has assigned it as a duty to the Executive to superintend the external concerns of the Union. I deem it particularly fortunate that that officer, from a long concern in the Government, is well read in the history of our disputes with Great Britain. A communication of his opinion, in the highly responsible shape it has come before this House, justly claims for it great and high regard.

"By being ready," says the Message; "to meet with cordiality, satisfactory proofs of a change of temper on the part of Great Britain, and in the mean time to adapt our measures to the views which have been disclosed through their Minister," we shall "best consult our whole duty." In pursuance of these suggestions, the report appears to have been made. While we are seriously preparing to meet the worst, in the true spirit of a Republican people, we shall hold ourselves ready by this course to accept an honorable and safe accommodation of differences to the last moment. If that accommodation does not take place before the time preparations are made for an appeal to

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arms, (of which, I confess, I have but little hopes,) I shall decide for war, as promptly as any one, and place my foot as far as he who goes farthest; but that vote shall not be given to subserve any local or partial interests. Our people have heretofore been generally employed in growing the necessities and raw materials for the comforts of life, and exchanging them for the elegances, luxuries, and wealth of other nations. In the advantages thence arising, every portion of the community have happily participated. The inhabitants of the more rigorous climates of the East and North have been the merchants and navigators for those of the milder regions of the South and West. This course of things, after having been for a while strongly impelled, by the war growing out of the French Revolution, has now become impeded, by obstructions derived from the same source. A change of attitude with this change of things is called for, and his call is made under circumstances that presents no alternative but a vigorous preparation for resistance, or, as has been frequently observed during this debate, "unconditional submission."

Far be it from me, to wish to appear to view the evils of war lightly—I am not, however, for conjuring up pictures of them, however great, to deter me from my duty. Even a free people, whose every habit and feeling incline them to peace, must sometimes meet war; and when the unhappy necessity occurs, they should be prepared to meet it with an unshaken countenance. That the people of the United States will so meet it, I feel the fullest assurance. Neither a wish to avoid expense nor the just fear of physical and moral injury can possibly induce them to surrender or dissipate the rich inheritance they possess, purchased with the blood of their fathers.

I cannot view the British possessions, which in case of a war are more particularly presented to our attack, as necessarily calculated to produce the consequences some gentlemen anticipate. If a war should take place, the enemy's commerce will call into exercise the enterprise and intrepidity of our citizens; not, as has been said, in the character of pirates, lawless depredators and buccaners; but as men engaged in justifiable reprisal and open warfare. In such a state of things, there will be no stronger motive to our citizens to combat by the side of Napoleon's warriors than at present; if they choose to expatriate themselves, has the Government power to prevent it? I believe not. Congress will hardly add legal facilities to such a warfare—such fears can have no foundation.

The British Colonies on this Continent, in a war between this country and her, must also become an object of attack to us. No gentleman has expressed a doubt of our ability to make a conquest of them—but they presage evils to arise out of the conquest. Our territory, say they, already too large, by such a measure must be greatly increased, and the integrity of this Union endangered, if not destroyed. If our country shall be drawn to the conquest of those territories, the disposition of them is not a question to be settled

now; that must follow the acquisition. But if it were to be settled now, I do not think it very embarrassing. If by annexing them to the Union, it should be feared that the Federal Government could not embrace it, let them become an independent and self-governed nation, with whom our amicable relations would be cemented by ties of gratitude on their part; it would surely be better than to have them governed by the slaves of an inimical and rival Power, and kept as a receptacle for spendthrifts and outlaws. The importance of these colonies to Great Britain has been questioned; but there is nothing clearer, than that they are becoming every day of more importance to the mother country; their consequence is increasing in the ratio, that that of her sugar colonies is decreasing.

I cannot with some gentlemen doubt the sufficiency of this Government to conduct a war. However congenial a state of peace may be to a Republic, the Constitution of the United States must have been framed with a view to war as well as peace. The members of the grand convention had almost all been active characters in the Revolutionary war. On the subject of war they were certainly more than mere theorists. Honest apprehensions have, too, been entertained in times back of the Government being too strong; I think, however, that we may look with well grounded confidence for complete sufficiency in it; without being alarmed at the reverse of the picture. While the power of declaring war is vested in Congress; while levies and supplies are within its control; while a check on the appointing powers is vested in the Senate, and a periodical termination of the President's office exists; the Executive arm, though sufficiently untrammelled for necessary and useful command, is effectually paralyzed as to the exercise of power to affect or change the free features of the Government; unless indeed the representation should become utterly corrupt, an event no one can believe possible. I feel much satisfaction at this moment in seeing a man at the head of the Government who had a conspicuous concern in framing the Constitution, and whose official duties have since closely connected him with the administration of Government under it. In the Message out of which the report before you has sprung, not the slightest doubt is discoverable of the efficiency of our institutions to sustain us under every exigency that may overtake us. My own reflections on this subject (and they have neither been light nor transitory) have neither served to alarm, or intimidate. I repose in safety on the saving maxim, 'never to despair of the Republic.'

Mr. McKEE.—Mr. Speaker, I rise to address the House at this late hour of the debate, with reluctance; but the importance of the question must be my apology.

Some gentlemen, in felicitating themselves on account of the temper of the House, evidenced by the determination to adopt vigorous measures against England, have expressed a regret that measures of a similar character had not been resorted to long since.

In this sentiment I cannot agree. In reviewing past times, we cannot but perceive, that it has been the desire of the Government to avoid being involved in the war with which Europe has been so long desolated, and by dealing out justice to the belligerents, respectively, with an impartial hand, to preserve our neutrality, permitting our citizens peacefully to pursue their private avocations, reaping the rich harvest arising from our neutral commerce.

This was certainly a wise policy, and the distinguished success with which it was attended is a clear evidence of its wisdom and propriety. Why, then, should it be condemned? Have any people ever acquired individual wealth with so much rapidity; or have any been more happy in the enjoyment of domestic tranquillity, than the people of the United States? None. The wish of the late and the present Administrations, was to continue this state of happy prosperity as long as it was practicable, by making acts of wrong and vexation of a minor sort, growing out of the violence of the times, the subject of negotiation, rather than a cause of war. And, is this course of policy now to be condemned, and regrets entered up that we have not been at war years ago?

At the opening of the session of Congress, in December, 1809, after the disavowal of Erskine's arrangement, when our relations with England assumed a more unfavorable aspect than at the close of the Summer session, the Committee on Foreign Relations, with a desire to preserve our neutrality, presented to the House a measure usually termed Macon's bill, No. 1; a measure which it is now known was approved by the Administration, and had the sanction even of a higher authority, (if such there be.) This measure was calculated in its operation to present serious difficulties to those nations by whom the rights of our neutral flag were disregarded; and, at the same time, it left open to the enterprise of our citizens, those channels of trade, not included within the scope of the orders and decrees of the belligerents, as they then stood; a commerce as extensive and valuable as we can expect to enjoy in times of general peace. It was, however, opposed, and successfully, too, by war speeches. It fell, and by its fall the Administration were driven from their ground, and the hopes of maintaining much longer the neutrality of the United States also fell with it. This unfortunate event was succeeded by the act of May, 1810. By this act, the belligerents were invited, in a new form, to withdraw their orders and decrees; promising, on our part, in case either of them should accept the invitation thus given to both, to put in force the non-importation sections of the non-intercourse law against the party persevering in their orders or decrees for three months after their adversary had accepted the invitation thus given. The law of May, 1810, was enacted with a hope that the terms thereby offered to the belligerents, respectively, would induce the one or the other to accept them, and withdraw their orders or decrees. And an expectation was also entertained, that if one of the parties could be induced to relinquish

their orders or decrees, the other party would follow the example; and, if this just expectation should be met by a perseverance of either of the parties in their orders or decrees, after their adversary had accepted the invitation thus given, it would test the sincerity of the various and repeated declarations made by them, respectively, that their orders and decrees, affecting our commerce, were reluctantly issued in their own just defence.

Those also who preferred war to the preservation of our neutrality, and by whom Macon's bill was rejected, would be relieved from the embarrassment of going to war with two of the most powerful nations in the world, or of selecting which of the two should be made our enemy, at a time when we had just cause of war against both. The fixed and determined hostility of one of the parties toward the United States, would be (as it certainly now is) most clearly proved; and thereby our measures of hostility rendered the more necessary, and more likely to receive the unanimous approbation of the American people.

My opinion, therefore, is, that it was wise to preserve our neutrality as long as possible, making an appeal to force the last reluctant resort; and, inasmuch as the majority of Congress, in 1809, resolved to change the peaceful character of this country, the intervening period has been employed in a last effort to avert the calamities of war; the result of which has relieved this Government from any liability to the charge of partiality to either of the belligerents, by compelling one of them, by their own act, to present themselves as the object of our just hostility.

In the present state of our relations with Europe, it seems to me the question which we are summoned to decide, is, whether we shall repeal the non-importation law, or adhere to it as a system of resistance to the Orders in Council; or whether we shall raise the force contemplated by the resolutions on your table, with the intention of using it when raised against Great Britain? If we repeal the non-importation law, in pursuance of the request, or rather the mandate of His Britannic Majesty's Minister and Plenipotentiary to the United States, without substituting war or some equivalent measure of resistance to the Orders in Council, we shall consecrate the monstrous pretensions of the British Government to regulate our foreign trade, and fashion it into that form which best suits her views and interest. Such a course would be unworthy and disgraceful, and would entitle us to the indignant contempt of all the world, and cannot be pursued.

An adherence to the non-importation law as a measure of resistance to the Orders in Council, appears to me to be no better. How long shall we live at this poor dying rate, before this non-importation law will effect the repeal of the Orders in Council? Will it be two years or twenty years? The answer is in the bosom of futurity. But, in the meantime, our prosperity is gone; our resources are wasting; and the present state of things is sapping the foundations of our political institutions by the demoralization of the people.

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It cannot be denied that a bounty is offered to the people to violate your law; a bounty that has been accepted by many, and will be accepted by more; and thus the wicked are prosperous, while the good man turns pale. Their prosperity will have an injurious and demoralizing effect on the country, tending to lessen the ideal enormity of the violations of your laws by the frequency and familiarity of such acts, and the consequent prosperity attendant thereon; morality and patriotism, will, in too great a degree, be abandoned as the badges of poverty; and whenever the morality and patriotism of your people is lost in any degree, so in proportion will your political institutions be rendered insecure. In the meantime the wishes, the views, and calculations of your adversary, founded on their Orders in Council, are fulfilled.

To me, therefore, war with all its evils is the preferable course calculated to produce the desired end, if attainable at all, with more celerity, by producing a stronger appeal to the interests of the British Government to do us justice. It has been stated by the gentleman from Virginia, who spoke last, (Mr. NELSON,) that he is willing to comply with the Executive recommendation, by voting the men; but he seems unwilling to vote for the employment of these men at this time.

I am compelled to understand the Executive recommendation, not as merely confined to the raising the men, but to extend to the employment of the men when raised, for offensive purposes against the British possessions in North America. For what other purpose could the Executive recommend the raising of men? Could it be to defend the country from invasion, or to quell insurrection? Certainly not; for no invasion or insurrection is apprehended. If, therefore, the mere raising the force will be a compliance with the Executive recommendation, as the gentleman seems to believe it will, you must then accuse the Executive of wishing to increase their own patronage, by creating a useless and unnecessary army in time of peace, and thereby conjuring down on themselves the united curses of their own friends. The uniform opinion of the Executive in the Legislature, as well as in the Cabinet, is a perfect refutation of this idea; yet you must attach this erroneous inconsistency to the Executive, or admit that his recommendation to raise the force, was made with the intention of using the force as soon as raised, in offensive war; and it is with this view alone that we can be justified in voting the resolutions on your table. Indeed, sir, my opinion was, and still is, as I expressed it in the Committee of the whole House on this subject, to wit: that the better mode of proceeding would be, first to lay an embargo on all the ships and vessels of the United States for a limited time, as a measure of precaution, as well as a necessary preliminary to the commencement of hostilities, and as an exposition of our intentions to this nation as well as to others.

As my remarks in the Committee of the whole House have been liable to some misapprehension, I now beg leave to explain them to the House.

When the first five resolutions on your table shall have passed this House, and arrive in England, accompanied with the commentary on them, given by the Committee of Foreign Relations, England cannot misunderstand their meaning. If, then, England determines to conciliate this country by withdrawing the Orders in Council, the matter will end very well; but if she determines to permit us to proceed to hostility with her, is it not probable she will strike the first blow by sweeping from the ocean every inch of American canvass? What security have you that England will not adopt such a course? Do you expect she will be deterred from it by the principles of morality or her ancient usage? Sir, British history will furnish you with cases in point. At the commencement of the war of 1756, long before any declaration of war had taken place between France and England, secret orders were given by the English Admiralty to sweep the ocean of French commerce, which was executed accordingly, and American commerce may share a similar fate.

My apprehensions on this subject are strengthened by a recurrence to the origin of our differences with England. Out of what did they arise? Principally from the great prosperity of American commerce. Before the year 1807 the English traders were met in almost every port and harbor of the world by the Americans; and the Americans had the faculty of out-trading the English merchants; this excited the jealousy of the English, to whom it seemed strange, that American commerce and tonnage, unprotected as it was by naval force, should be second only to England, and arriving fast to an equality, both in amount and value, with them, who were protected by one thousand ships of war. The object of the Government of England, seems to me, was to give a preference to her own commerce by crippling that of others; and if such were and now are her views, by proceeding as we do, we furnish the fairest opportunity to England to give your commerce a blow that it will not recover from in half a century. By restraining your merchants within your ports and harbors, and enabling them to bring home their property from abroad, you would not only increase the means of carrying on the war, but, in the meantime, preparations would be made for carrying it on with more effect at the outset. It is not to be concealed that, before the commencement of hostilities, you must resort to an embargo; no commercial nation can, without the most obvious absurdity, go to war with a naval Power without first laying an embargo for three or four months. And when, I ask, will you proceed to lay your embargo? Certainly it ought to be very shortly, if you expect the campaign to open next Spring. Such a course would have a happy effect on your recruiting service; no man, then, could either mistake or mistrust your views, and the best population in your country, perceiving that the nation was about to engage in a war, where laurels might be won, would flock to your standard.

But, sir, as matters now stand, your first five

resolutions, looking to war, and the sixth resolution, calculated only for a state of peace, the yeomanry of the country will recollect the fate of the army of six thousand, and will reluctantly engage in your service, lest they, too, should be employed in an ignoble warfare against the fens of the Mississippi and the hosts of mosquitoes and gallinippers with which they are infested.

This, sir, is my view of the subject; but, as we all appear to be travelling to one result, and only differ about the route which would be most advisable, and gentlemen whose superior wisdom, talents, and experience, I am bound to venerate, differ with me as to the mode of proceeding, and have determined not to go with me, I will go with them; at the same time, if any accident should happen, I shall have nothing to answer for—my constituents have no ships.

Mr. STANFORD said, as the resolution before the House contemplated an additional army, and from the avowal of its friends, involved in it the question of peace or war, he felt the desire to assign the reasons of his vote upon so important a subject. He was the more disposed to do so as he should probably find himself in a very small minority upon the question. He was not flattered, he said, with using arguments which would convince others; but for himself he felt their force strong enough to fix his mind against the measure. If he were to vote, he said, for the proposed army, he should vote inconsistently with all his former opinions and principles upon the subject, and he never could think of acting a part inconsistent with himself, and that more especially when all his experience had gone to confirm his first impressions, his honest prejudices against standing armies. Such establishments had always proved the bane of free Governments, and he could not see how we were to get along with them, and remain, as he believed we were, the freest and happiest people upon earth.

But, sir, we are told war is to be declared in certain events, and that the army proposed is to invade and take the Canadas. We are then to pass out of the limits of the United States and wage a war of the foreign offensive kind! If such was the contemplated use of this army when raised, he was still the more opposed to the measure. He was against the war itself, and the policy of it, and could by no means yield his vote to bring it about. That there was sufficient cause of war, he was ready to acknowledge, and he was not disposed in any the least degree, to palliate the offences of Great Britain, or that of any of the other belligerents, committed on the persons and property of our citizens. All of them had deserved war at our hands, but we had at no time since the commencement of our present Government seen it our interest or policy to give into it, in the open and declared form, nor that of any other form, except that of a *quasi* character which happened under Mr. Adams's administration. The question never had been whether we had or had not cause of war, but whether the true interest of the United States did not, under all cir-

cumstances, call aloud upon us to cherish peace, and to avoid war and its evils as the last of the alternatives before us; and this, said Mr. S., he would be able to show was the Republican doctrine, as well in the old minority times as since that minority grew into a majority.

The gentleman from Tennessee (Mr. GRUNDY) had made a direct appeal to the Republican party, and endeavored to rally and unite them in this, to them at least, new doctrine of war. If the appeal of the gentleman had any reference to him, he would beg leave to deny some of his positions. He had himself had some small share to act in the political scenes of '98-9, and he was glad to find from the gentleman's declaration that he had joined in the "clamor" of the day, to pull down the then Federal Administration for the unjustifiable war which they had gone into with France. Mr. S. said he knew he had joined in it most heartily. He believed he then acted right in all he did to supersede that Administration, and he still believed he was right. The best interests of the country forbade the war, and so the people determined, when ultimately they came to decide the question. That party thus ousted by the public voice, the present Republican majority was brought in upon their own professions of better principles, the love of peace and economy. But now, forgetting our old professions under a French crisis, we had raised the cry of war under a British one, and nothing short of it was to save our honor. Mr. S. declared if there was any difference in the causes of war then and now, he thought it turned most decidedly in favor of the former period, since the more intolerable outrage in the case of the Chesapeake had been at length atoned for. What were the facts? French decrees existed at that time against your rightful commerce—he spoke of the arrêtés or decrees of the French directory—these had the same practical effect on our maritime neutral rights that the British orders have now. French cruisers waylaid the mouths of your harbors, and captured your vessels; and the first successful act of the United States after the quasi-war commenced, was, the taking of one of these cruisers in the mouth of one of our harbors. He begged leave to read the decree itself—and there were others passed about the same time not less obnoxious.

"January 18, 1798, Art. 1.—The character of vessels in what concerns their quality, as neutral or enemy, shall be decided by their cargo; in consequence, every vessel found at sea, laden, in whole or in part, with merchandise coming from England or her possessions, shall be declared good prize, whoever may be the proprietor of their productions or merchandise."

To the spoiliations committed under decrees of this kind, which they have always refused to retribute and make good, they added a further indignity to the nation in the persons of its Envoys. They refused to receive them in their character as such, but clandestinely met their subordinate agents to intrigue and tamper with them for bribes, and for a considerable time withheld the necessary passports for their return home. Wrongs

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and indignities like these, said Mr. S., the Republican minority of '98-9 did not consider of magnitude enough for the United States to forego the great interests of peace, and give into the war, which was then made to redress them. How the gentleman from Tennessee (Mr. GRUNDY) could avow himself the advocate of peace doctrines then, and those of war now, would be for himself to reconcile. He felt that those interests were as omnipotent now as they were then.

But, said Mr. S., the gentleman from South Carolina (Mr. CALHOUN) tells us it is a principle of honor in a nation, as in an individual, to resist a first insult. If such doctrine is to be admitted, when should we have had a moment's peace? From one or the other belligerents of Europe, since their late wars commenced, we have never been without just complaints against them for some violation of our neutral rights, and of course must have taken an early share in their wars. The truth is, we cannot liken, nor will the similitude hold good between an individual's honor, or his sensibility to it, and that of a nation's. A single impressment or capture may be well admitted to form a ground of reprisal and war; but we should have been a ruined country long ere now, if, under the existing circumstances of the world, and belligerent Europe, we had yielded to this quickness of sensibility, and had gone to war for a first and single instance of aggression from either of the belligerents. The same gentleman argues that everything now calls upon us to make a stand; that there was no danger to our liberties in a standing army of twenty or thirty thousand men, and that all admitted there was justifiable cause of war, and he believed it had now become necessary. This was declaiming, Mr. S. said, very handsomely upon the subject of war, he would agree; and he very well recollected we had heard the same doctrines precisely, and he thought he might be permitted to say, a strain of declamation, at least equally handsome upon the same subject, and from the same State, in 1798-9.* Mr. S. contended as the then doctrines of war, (and it must be admitted the causes of it were so alike in their character,) it was fair to expect that in due time public opinion would come to be the same in both cases.

But, Mr. S. said, he could not perceive how the present, of all others, had become the necessary and accepted time for war with Great Britain. The attack on the Chesapeake frigate had been lately atoned for, to the satisfaction of our Government; and, he trusted, had not been so done as to aggravate the crisis of affairs between the two countries. If calculated to do so, our Government could not have received it. The impressment of our seamen was a just complaint against the British Government; but it commenced under the Administration of General WASHINGTON, and no one would say he was less sensible to national honor and independence than our-

selves. Under all the circumstances of that cause of complaint, he did not think it a cause sufficient for him to depart from the neutral ground he had assumed; nor was the annoyance of our commerce less vexatious in his time than since. In like manner, under Mr. Adams's Administration, the same complaints existed, though in that of the latter, not, perhaps, to the same degree; and, under the eight years of Mr. Jefferson's Administration, the same state of things continued, certainly with an increased degree of violence, to which was also added the more aggravating insult upon the Chesapeake. Mr. Jefferson had never been suspected of partiality for Great Britain, and then, indeed, the accepted time had come for a war with that Government; all parties were united, and pledged themselves to support him in the war. The pulse of the nation beat high for it. But he felt, because he knew, that peace was the best interest of his country, and forbore to call Congress together. He had always admired the man; but, upon that occasion, he felt more than a sentiment of admiration toward him. When, at length, wrongs had thus accumulated, and called for some system of counteraction and resistance, till negotiation could be farther tried, the embargo was resorted to in preference to war; and, when that was done away, a system of non-intercourse was substituted, and to that again succeeded the present alternative law of the same kind; the non-importation system which has grown out of this with Great Britain has not been tried one whole year yet. If gentlemen will have it that this is the accepted time for war, how has it happened that we have not had it before. Our Councils may be presumed to have been as sensible to aggression, and as patriotic to redress it, as we now are.

He would beg leave to turn to a vote of this House at the last session of the tenth Congress, when Mr. Jefferson was still President. The embargo was about to be repealed, and such gentlemen as felt themselves disappointed in its effects, were disposed to substitute a more energetic system than that of non-intercourse, and proposed the following amendment to the bill "and to 'cause (meaning the President) to be issued under 'suitable pledges, and precautions, letters of 'marque and reprisal against the nation thereof continuing in force its unlawful edicts against 'the commerce of the United States." This was considered, as indeed it was, a question of war, and the vote stands only 36 to 74. The affair of the Chesapeake then hung over us, and all the circumstances under which we found ourselves called more imperiously for redress than they ever had done before or since, and still a different view of what was the true interest of the country prevailed. Again, he would turn to the second session of the eleventh Congress, under the present Administration, and still we should find that a large majority in this House were determined not to abandon the peace of the nation. They were disposed to countervail the belligerent edicts, by commercial restrictions, and to adopt anything in that way, short of war; but nothing

* This allusion is supposed to be to Mr. HARPER, then from South Carolina.

which should endanger the peace of the country. A bill, however, was introduced "authorizing the President of the United States to employ the public armed vessels, and permitting the merchant vessels to arm for the defence of American commerce." The fate of this measure was similar to that of the preceding Congress, and appears to have been negatived by a vote of 67 to 47. This, too, was at a time when we were about to repeal the non-intercourse law, which was done, and the non-importation system substituted; no warlike substitute could be carried at any of these periods: and, so far, it has not appeared to have been the accepted time for war, and he trusted that time had not yet come.

If, said Mr. S., the proposed war was to be of the defensive kind, a war which had become necessary to defend ourselves at home, there would be no hesitation about the cost or difficulties to be encountered, but it is avowed to be for conquest. We are to take the Canadas to insure respect to our maritime rights. That we should be able to take them, he would not pretend to doubt; but it would probably be at the expense of much blood and treasure, and still, perhaps, without coming any nearer to the object of it, that of securing respect to those rights. To a nation, young, growing, and prosperous, as we were, the burdens and expenses of a foreign war was no small consideration with him. In 1798, 1799, it was fashionable to count the cost, and look at the taxes to follow: that doctrine now, however, was forgotten; but he would take the liberty to read, before he sat down, a passage or two from a pamphlet of Mr. Nicholas's, of Virginia, who is now no more, but who was at that time considered orthodox in all the Republican doctrines of the day.

"In a war like the present, (says Mr. Nicholas,) which we have not made an offensive one, everything of this kind (speaking of the taxes) ought to be taken into consideration, although it would be improper to do so if our country was really attacked by a foreign Power; because we ought then to hazard everything rather than become subjects to any foreign Power."

Again:

"If the lasting preservation of the honor, liberty, and independence of America is our real object, we should certainly avoid war during the infant state of our country. Such premature efforts bring on a state of imbecility in the political as well as in the human body, and prevent either from attaining that degree of strength which they would otherwise certainly arrive at. Twenty years more of peace, would leave America fully competent to defend all her just rights against any nation. Five years war at this time, would, probably, put it out of her power to do it with effect for one hundred years to come."

Mr. S. further added, that as the United States was the only portion of the civilized world which enjoyed any share of the blessings of peace, he had trusted the present state of Europe would form an argument better than any he could use, and a lesson complete against our having anything to do with their unhappy conflicts and wars.

But, Mr. Speaker, said Mr. S., opposed as he was to the idea of the United States becoming

one of the belligerent nations—to the linking our destinies with those of the European Powers; to the taking any share in their present conflicts, if his country once determined upon it, he would not then hesitate to vote any force, or other means to bring it to as speedy and as happy an issue as possible; until then he should preserve his own consistency; and contribute in no way to bring about that state of things which, he believed, would prove most ruinous to his country.

Mr. KING.—Mr. Speaker, I should not have troubled this House, with any remarks of mine, had it not been for the observations which have just fallen from my colleague from North Carolina. I shall not attempt, sir, to follow that gentleman in the history which he has given of the progress of party in this country, but shall content myself with stating, that, in our sentiments, we entirely differ; his is the doctrine of submission; yes, sir, the most abject submission; mine, I trust, is not. I am in favor of the resolution now on your table. I am aware, sir, of the many important considerations which will naturally suggest themselves to the mind of every real friend of his country, when he views the consequences which may result from the adoption of the measure now contemplated. When, sir, the habits of a nation, ingrafted, as it were, in its very nature, are about to be departed from; when the destinies of the country are about to be launched on an untried ocean, and when the doubt is about to be solved, whether our Republican Government is alike calculated to support us through the trials and difficulties of war, and guide us in safety down the gentle current of peace, I am aware, sir, that we should pause and ponder well the subject; that we should divest ourselves of those warm feelings which most generally take possession of our minds on viewing the unjust prostration of the rights of our country. Sir, that interest which I feel, in common with others, on the decision of a question of such magnitude and importance, will, I trust, induce this House to bear with me a moment, while, in a few words, I explain the motives by which I am actuated in giving my decided approbation to the resolution now under consideration. If, sir, I were merely to turn my attention to the local situation of that portion of the country, which I have the honor particularly to represent; its extensive and exposed seacoasts, combined with its present commercial advantages; I should, without hesitation, give my vote to the proposed measure. But, sir, as in my individual capacity, I feel at all times willing to make not only pecuniary sacrifices, but to expose my person in vindicating the rights and interests of my country, in my Representative capacity, I will undertake to say, that my constituents will do no less. Sir, the demon Avarice, which benumbs every warm emotion of the soul, has not yet gained the ascendancy in the South; the love of country animates every breast, and burns with inextinguishable ardor. Sir, they feel in common, I trust, with a great majority of every portion of this Union, the degradation of our country, in submitting for a moment longer to the

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dishonorable terms proposed directly or indirectly by the British Government. Mr. Speaker, I hold it to be correct, that, in discussing a subject of such importance, a view of the various matters necessarily connected with it, will not be considered irrelevant; but, sir, I will not weary the patience of this House with a detail of injuries, unparalleled in the history of former times, wantonly inflicted on a nation which manifested to the whole world her sincere desire to support the neutral stand which had been taken at the earliest period of her Government, and most tenaciously adhered to. We have carefully avoided, Mr. Speaker, any participation in that system of politics which has convulsed and distracted the European world. We have restricted ourselves in the full enjoyment of our rights, lest by strictly enforcing them, we might produce a collision with any nation, however little her conduct might be guided by the principles of equity. Sir, we have borne with injury, until, in the language of your committee, forbearance has ceased to be a virtue. We have remonstrated, we have appealed to the justice, to the interest, of the two great contending Powers of Europe; every effort proved abortive; our calls for justice were drowned in the declaration that their measures were merely retaliatory, and not intended to interfere with neutral rights; thus, sir, the matter rested, when specific propositions were submitted to each. Yes, sir, by an act which has placed the impartiality of our country beyond the reach of suspicion, we demanded of each the revocation of her obnoxious edicts, as the only means of preserving our friendship. We all know what has been the consequence: France has met our advances, has embraced our propositions. Great Britain not only refuses a repeal on her part, but, while she affects to lament the effects produced on neutral rights, takes the most effectual methods to render them perpetual. Sir, blindness and ignorance itself can no longer be deceived by British policy.

We have been told, sir, that this will be a war for the support of the carrying trade; let me here remark, and I wish to be distinctly understood, as avowing my determination never to give a vote, so long as I have the honor of a seat on this floor, which will involve this country in a war, for the recovery or support of this extraneous species of commerce. I believe I shall not be incorrect when I assert, that nine-tenths of this country never did and never will derive the smallest benefit from it. But, sir, the right to carry in our own ships the produce of our own country to any quarter, not thereby violating the laws of nations, or contravening legitimate municipal regulations, is one which I never will yield; for, sir, in doing so, we paralyze the industry of our citizens; we give a fatal blow to the best interests of our country. Yes, sir, we yield the principle, we invite to further encroachments. Our country, sir, is agricultural, but so intimately blended with commerce, that the one cannot long exist unaided by the other. Sir, I will not yield an inch of ground, when, by so doing, I destroy an essential right of

my country—or sap the foundation of that independence cemented by the blood of our fathers. We were told by a gentleman from Virginia, (Mr. RANDOLPH,) a few days since, that we have sufficient cause for war. I ask you, then, sir, why do we hesitate? Shall we always yield? Shall we always shrink from the contest? The adoption of this resolution is the touchstone—by it we rise or fall. We have been asked, Mr. Speaker, why not lay upon your table a proposition to go to war? It is there, sir; it is contained in this resolution; the moment we give it our sanction we declare our fixed resolve to render effective the force contemplated to be raised. Yes, sir, unless Great Britain manifests a disposition speedily to do us justice—by her acts, sir, not by her words. The gentleman from Virginia calls upon the Representatives of the seacoasts, of the slaveholding States, and asks if they are willing to say to England “we intend to go to war with you.” Does the gentleman mean to excite our fears for the loss of our property? As one of the many on this floor who stand in the situation mentioned by that gentleman, I step forth to declare for myself and my constituents, that, when loss of national honor is placed in the scale, and attempted to be balanced by pecuniary interest, we will, without hesitation, kick the beam. But, sir, we are now contending for the restoration of our rights, the deprivation of which strikes at the very foundations of our prosperity. Sir, to us, it matters little whether our cities tumble into ruin by desertion for want of employment, by poverty produced by British wrongs and aggression, or, in vindicating the cause of our country, fall by a quicker process. Sir, I have no fear of invasion, and, therefore, have no fears arising from the black population, which strikes with so much horror on the sensitive mind of the gentleman from Virginia. For my country, Mr. Speaker, I lament its existence; I view it as the bane, the curse of the land, and most sincerely, sir, do I wish that a second Moses could take them by the hand, and lead them in safety to a distant land, where their cries would never more strike on the ear of sympathy. For one, sir, I promise, I would not expose myself to the waves of the sea. We are told, Mr. Speaker, that we stand pledged to France, that we must become a party with her in this war. Sir, I call upon the gentleman from Virginia to make the assertion good, to fix the imputation upon the Executive or upon this House. Sir, my pledge is to my country, to this very land; here, and here alone, the warm affections of my heart find a point around which to rally. To all other Governments, I am perfectly indifferent—I am no Frenchman, I am no Englishman.

We have been told, sir, that this will be a war of aggrandizement, a war of conquest. I am as little disposed to extend the territory as any other individual of this House. I know that dissimilar interests must and will prevail from a too great extension of our dominion. But, sir, we will not here enter into a discussion, whether an accession of country would or would not conduce to the interests of the Government. Sir, this will be a

war forced upon us; we cannot, under existing circumstances, avoid it. To wound our enemy in the most vulnerable part should only be considered. Sir, I trust, if our differences with Great Britain are not speedily adjusted, (of which, indeed, I have no expectation,) we shall take Canada. Yes, sir, by force; by valor; not by seduction, as the gentleman from Virginia expresses it. I have no reliance on their friendship—I hope it will not be calculated on. Sir, I am not deterred from the firm purposes of my mind, by the predictions of the gentleman from Virginia. I have no fears, sir, that the people of our country will desert their Government while asserting the rights of the country; and I must believe, that gentleman's assertion, to the contrary notwithstanding, that Virginia will not be the last to afford supplies. We are told, sir, that Republicans are inconsistent; that, in 1798, they refused to raise an army, although General WASHINGTON would be at their head, and that we then had sufficient cause to go to war with the Directory of France. For myself, sir, I was at that period conning the lessons of childhood. I will not now undertake to say, whether, at that time, there was or was not cause for war, as has been declared. To me it matters not. Sir, I am just commencing my political career; I am consistent; I find my country degraded by insults unrevenged; almost ruined by her efforts to preserve friendship with nations who feel power and forget right; and, although I am opposed to the principle of having large standing armies in our country, yet, sir, under these circumstances, I feel justifiable in departing from the general principle. Washington is no more? Yes, sir, the Father of his Country can no longer wield its destinies. But I trust there are men, (without resorting to acquitted felons,) Mr. Speaker, on whom the confidence of this nation might in safety repose; men whose military skill would be fully adequate to every emergency; men who, actuated by that patriotic love of country, not uncommon in the annals of this nation, would fight our battles, redeem the national spirit, and, when nations had returned to a sense of justice, and reparation had been made for the wrongs wantonly inflicted on us, would, without hesitation, resign their authority into the hands of the Government from whence it emanated. We have been told, Mr. Speaker, that Great Britain is fighting the battles of the world; that we are protected by that nation "who rides on the mountain wave, whose home is on the deep." Sir, for myself, I disclaim her protection—protected in what, sir? In our property? No; it is a notorious fact that we are plundered in every quarter of the world—on our coasts—even in the very mouths of our harbors. Are we protected in our liberties? Let the voice of our impressed seamen, torn from their homes, their wives, their families, speak their protection! Let the cries of their miserable offspring, deprived of their protector, their friend, their father, declare their protection. But, sir, I have done. I am unwilling to cast a censure on the Government of my native country; but I put it to this House, I

put it to the nation—was it brave? Was it consistent with that independence we profess to maintain, to submit without a struggle to that annihilation of the liberties of those hardy sons of their country, seeking their subsistence on the watery element, that common highway of nations? Sir, they are our brothers, they are entitled to the same privileges, to the same protection. Yet the gentleman from Virginia feels no sympathizing emotions, of soul, on calling to mind the hardships they endure. Yet, sir, he declares to us that should he be convinced that Great Britain has either directly or indirectly spilled the blood of our citizens, he would hesitate no longer, he would march to Canada. Let him, sir, turn his eyes to those floating mansions, he will there behold the blood of our citizens—brave, honest, industrious citizens—streaming in torrents, shed by the hands of their brothers, their friends. We have been told, sir, that Great Britain never will relinquish her right, (for such they affect to call it;) for one, sir, I never will submit to it. I had rather that fast-anchored isle, that protector of the liberties of the world, should be swept from the catalogue of nations than submit that one American—one natural-born citizen—should, at her will, be torn from his family, his country, and kept in a state of the most horrid slavery. Sir, this will not be a war of conquest. It will be a struggle for existence. I am sorry I have detained the House for a moment; I perfectly agree with the gentleman from Georgia (Mr. TROUP) that we should put an end to debate. I have been drawn into these remarks by what fell from my colleague. I again repeat, that his doctrine is nothing more or less than submission. Sir, I denounce the principle.

Mr. BOYD.—Mr. Speaker, I should not have risen, on the present occasion, had not the honorable Committee of Foreign Relations requested all those that did not intend to vote for such ulterior measures as they might hereafter find necessary to bring forward, would not vote for the present resolutions, as they were a part of a system that might eventuate in war, &c. From those observations, I feel myself, and those that I in part have the honor to represent, called on to say how far I will go, and how far I will not go. Sir, when we talk about war, we ought to know for what we are going to wage it, and to see that the means are commensurate to the end. Let it not be thought by this that I have any apology to make for Great Britain, or her manifold wrongs. I have none. I say, perish the heart, the head, and the tongue, that will attempt her justification or apology! No, sir, they are a nation of pirates, and have committed many wrongs on us; and it becomes us to look for our remedy, and how it is to be obtained. We are told that these resolutions are a part of a war measure. I do not receive them as such, but as preparatory to what may happen or become necessary. But, for argument sake, suppose it so, and that we are to have war—your army raised, and ready to march to the Canadas; with how many are you going to take them? In my opinion, not less than fifty

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thousand men will be required. Suppose the English should be driven out of Spain and Portugal, (which may by this time be the case, or it may soon be so,) what number of troops can she send to reinforce her possessions and meet you? But, say some gentlemen, American blood has been spilt, and we must avenge it. How is that to be done? For gallons will you spill torrents; or am I to understand that we shall have war without bloodshed? Sir, let those that think so turn their attention to the Revolutionary war—the Sugar-house in New York, the Prevost, the Prison-ship, the Wallabout, Fort Washington, White Plains, Princeton, Trenton, Monmouth, Brandywine, Guilford, and many other places. New Jersey has had her full share of the fighting—other States the benefit; and if we have war again, we shall have our share of fighting—others the loaves and fishes. But, sir, I will not complain: we obtained our liberty, and I am willing to support it in the best possible manner. But here another question arises. You go to war for the right to export our surplus produce—tobacco, cotton, flour, with many other articles. Let me ask, what will be your export while that war continues? Will you have any? I think not. But I will suppose that you could export without interruption; would the whole of the exportable produce pay for the war during the continuance of it? No, it would not. Sir, it would take less money from the Government to pay for it, and make a fire of it. Nearly thirty years have elapsed since the Revolutionary war, and that war not half paid for. Is not the war-worn soldier calling on us every day with his demands? You are about to drain your Treasury, borrow money, enlarge your pension list, build additional hospitals, increase our national debt, not to be extinguished or paid off, but to be a lasting burden on the people. But, say the honorable committee, our honor requires it. It is well; I honor the spirit and magnanimity of the committee, and have no doubt of their courage and zeal for our country's rights. But, sir, you must take young men for action—old men for counsel. It is an easy matter to go to law or war, but it is a hard matter to get out of it. The gentleman from Maryland, (Mr. WRIGHT,) in defending the character of the soldier, has given us a quotation, viz:

"Honor and shame have no condition rise,
"Act well your part, there all the honor lies."

I will give him another, from the same authority, viz:

"A wit's a feather, a chief's a rod; *
"An honest man's the noblest work of God."

But, apart from this, let us suppose war, and admit that it will be successful, so far as proposed—the British driven from the Canadas and Halifax, and their trade intercepted for years to an extensive amount—what then has she to hope or fear from us? Nothing. Will she then respect our rights? No. But I will suppose that we force her to a treaty of amity and commerce, acknowl-

edging our rights to the utmost of our wishes; how long will she keep it? Not an hour longer than suits her convenience or interest. There is no trust to be put in her compacts. Witness Erskine's arrangement. I say, keep on your restrictions; keep the country in peace, if possible, under all your privations, and they are many. Has not our country increased in wealth and population, in a superior degree to any country on earth? Are we not at this moment in the enjoyment of peace and plenty at home—every man under his own vine and fig-tree, and none to make him afraid—with complete protection for person and property? Yes. But our merchants must be protected—they have a right to our protection, say some—it is the merchant that gives life and spring to agriculture. I deny it. It is the planter—the cultivator—that is the foundation on which every other branch of our associated population depends; and it is the surplus of his productions that makes the merchant, and his profits that make the banks. You have made many laws for their protection; they have disobeyed them all, and will disobey them. Have they not told you, continually, to let them alone; that they knew their own business best? Sir, before I would engage in a war, to which I could not see a prospect of a favorable issue, I would let them alone. Sir, the President is made, by the Constitution, the treaty-making power; he is also to give us the state of the Union. He is the Executive. He has given us the state of the Union, and made his requisitions; and if I give him what he asks, I give him enough; and *that* I am willing to give, and more, when he shall require it. But I am not to be forced further yet. It appears to me that the honorable committee has a mind to *Gideonize* us—rejecting the fearful and faint-hearted. Will they prove us by the *waters*, and reject all such as will not lap as the dog lappeth? For, sir, they have told us that all that did not intend to vote for such ulterior measures as they might have occasion hereafter to bring forward, ought not to vote for the resolutions. Now, sir, it remains for me to tell them and the House, that I will not leave the ranks of my country. I will vote for the resolutions, and consider myself at liberty to vote hereafter as the nature of the case may require, and my conscience shall direct. I have no more to say at this time.

Mr. LACOCK spoke in favor of the report.

Two or three unsuccessful motions were made to adjourn.

Mr. RANDOLPH stated his intention to make some further remarks against the report, which might occupy two or three hours of the time of the House. He then renewed the motion to adjourn; which was carried; and the House adjourned to Monday.

MONDAY, December 16.

The SPEAKER laid before the House a letter from Cowles Mead, Speaker of the House of Representatives of the Mississippi Territory, enclosing the copy of a presentment against Harry Toulmin,

* Witness Bonaparte.

Judge of the Superior Court for the Washington district, in said Territory, made by the grand jury of Baldwin county; which were read, and ordered to lie on the table.

On motion of Mr. LEWIS, the petition of Return J. Meigs, and others, witnesses against Aaron Burr, presented the ninth of November, 1807, was referred to the committee appointed the twentieth ultimo, to provide compensation for witnesses in criminal prosecutions depending in courts of the United States.

Mr. FINDLEY presented petitions of several Christian denominations residing in the Western parts of the United States, praying that mails may not be carried, and that post offices may not be opened on Sundays.—Referred to the Postmaster General.

On motion of Mr. MORROW, the Committee on the Public Lands were instructed to inquire whether any, and what, provision ought to be made, to prevent the sale of land, at private sale, (in case of reversion) for a less price than the land had been sold for at the public sales: and that they have leave to report by bill, or otherwise.

A message from the Senate informed the House that the Senate have passed a bill "for completing existing Military Establishments;" to which they desire the concurrence of this House.

MUNITIONS OF WAR.

Mr. SEYBERR, from the committee appointed on that part of the President's Message which relates to the manufacture of cannon and small arms, and the providing munitions of war, made a detailed report thereon; which was read.

The report is as follows:

The committee to whom was referred "so much of the President's Message as relates to the manufacture of cannon and small arms and the providing munitions of war," after having, according to order, considered the several subjects submitted, beg leave to report, in part:

That it is, at all times, expedient for a nation to be supplied with an ample stock of all such articles and materials as are requisite for defensive or offensive operations. Such provisions will make its citizens confident at home, whilst they, at the same time, guarantee respect on the part of foreign nations. No one, it is presumed, will deny that an extensive supply of the implements of war is preferable to the amount of their cost lying buried in the vaults of the Treasury, more especially when it is considered, that on occasions of the first importance they are indispensably necessary, and that for the greater part they are imperishable from their nature. The proposition just laid down will appear evident, when it is recollected that the least rumor of a war will immediately add to the value of such articles, very generally, from fifty to one hundred per centum; nay, this declaration might be carried much farther, and it may not be out of place to notice the fact, that, under circumstances far from being the most unfavorable, refined saltpetre has commanded the enormous price of one dollar and fifty cents per pound; whereas, its ordinary value is about thirty cents per pound in our markets.

It is, also, well known, that all manufactured articles, which are made in haste, are generally very defective—this should be particularly guarded against

in the case of fire-arms of every description. When it becomes absolutely necessary to provide such equipments, contractors always insist upon their own terms. Experience has proved, that contracts under such circumstances on national account, (we do not confine this assertion to our own country,) have been made to a great disadvantage. Regular annual supplies, in times of peace, should always be preferred. It would be unwarrantable in the extreme to hazard a want of this kind until the last moment—until the enemy may be at our doors. It will be in vain to look for additions from Europe, at a period when the extensive naval force of an enemy, aided by many private armed ships, shall swarm on the ocean. Who could then be so hardy as to entertain the expectation of frequent arrivals in our ports!

It is with peculiar satisfaction your committee finds itself enabled, under the warranty of the proper department, to state that many of the most necessary, are articles of which there is a considerable stock on hand, and that others of them are abundant in our territories. Or, in the words of the Message, we may be permitted to repeat, that "the manufacture of cannon and small arms, and the stock and resources of all the necessary munitions, are adequate to emergencies."

The flourishing state of the foundries throughout the United States; they have been heretofore successfully employed, on Government account, in Rhode Island, New Jersey, Pennsylvania, Maryland, the District of Columbia, &c. The regular supplies of small arms, of every description, from the establishments which are now under the control of the Government, and these seconded by the several contracts which have been already made with individuals in various parts of the Union, together with the ease with which they may be multiplied so as to meet any demands which circumstances may require, independent of the arrangements made on the part of the State individually, are some of the many proofs which demonstrate the great resources of this Republic. What nation can boast of more, or better iron, than the United States! Our foundries have not only been in successful operation, they are far from being infantile, and have arrived at perfection. Upon the best authority, we state the furnaces, forges, and bloomeries, in the United States, to be five hundred and thirty. The art of boring cannon is, in many places in Europe, deemed a secret of great importance; they there keep their cutters concealed from strangers in leathern bags. In the United States this process is so well understood, that an inspector of our artillery has declared to the world "he never was compelled to reject a gun on account of a defect in the bore," though he examined "upwards of two thousand cannon of different calibers."

It is notorious that we may have lead, from the mines of our country, to any amount. Our resources for saltpetre in the Western States are said to be inexhaustable. Of sulphur we have a considerable stock in store. Each of the States can furnish an extensive catalogue of powder mills; their number in the United States amounts to two hundred and seven, and many of them are celebrated for the excellence of their powder. Notwithstanding these facts, it is necessary to repeat, that under the present aspect of affairs, it is proper a further provision of all the munitions of war be forthwith made. Expenditures to a considerable amount, when applied to such purposes, will ultimately be found to be economy in the true sense and meaning of the term, by the saving of the difference between the

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present prices and such as will be demanded when we shall be at war. In conformity with these views, your committee beg leave to report a bill.

Mr. SEYBERT, from the same committee, also presented a bill authorizing the purchase of ordnance and ordnance stores, camp equipage, and other quartermaster's stores, and small arms; which was read, and committed to a Committee of the Whole on Friday next.

FOREIGN RELATIONS.

The House then resumed the consideration of the unfinished business, being the report of the Committee of Foreign Relations.

Mr. RANDOLPH said, that he could not express his deep sense of the politeness of the House, except by the regret he felt at the very poor return which they were about to receive for their indulgence. He lamented that it was not in his power to thank, in the name of all the old Republicans of 1798 and 1799, his worthy friend from North Carolina, (Mr. STANFORD,) for the sound, sensible, pertinent, and Constitutional speech, which he had delivered the other day against this resolution. But he feared, if a writ were to issue against that old party—as had been facetiously said, in another body, of our valiant Army—it would be impossible for a constable with a search warrant to find it. There must be a return of *non est inventus*. Death, resignation, and desertion, had thinned their ranks. They had disappeared. New men and new doctrines had succeeded. He was astonished at the frailty of some memories; or rather, at their aptness to remember to forget everything but what subserved their present purposes.

Diluted down, and frittered away, indeed, as this proposition had been by his worthy colleague, (Mr. NELSON,) and his excellent friend from North Carolina, (Mr. MACON,) it was comparatively a subject of small importance. Yet, as argued by others, it assumed the most imposing magnitude. It was no less than a question of war or peace. Mr. R. proceeded to compare the provocations of France in 1798 with any now complained of, and to show the inconsistency of Republicans in supporting the present measures. He said he would state some among many of the causes of difference at that time between the two Republics. Yes, sir, the *French Republic!*—mighty magic then in the phrase. It was almost as potent as the terms Emperor and King in later days. He referred to the Message of the President of June 18, 1798, accompanied by the correspondence of our Ministers at Paris with the French Minister of Foreign Relations. After replying to his three several heads of complaint against us, our Envoys had proceeded to expose the monstrous violation on the part of France of every principle of justice and of public law, and in open defiance of her plighted faith to the United States:

“The undersigned will not resume, Citizen Minister, the painful task of re-urging the multiplied injuries which have been accumulated on their country, and which have been in some degree detailed in their me-

morial of the 17th January last. They cannot, however, decline to remonstrate against a measure which has been announced since that date. The legislative councils of the French Republic have decreed that—

“1st. The condition of ships in everything which concerns their character as neutrals or enemies, shall be determined by their cargo; consequently, every vessel found at sea, laden in whole or in part with merchandise, coming out of England or its possessions, shall be declared good prize, whoever may be the proprietors of such commodities or merchandise.

“2ndly. No foreign vessel, which, in the course of its voyage, shall have entered into an English port, shall be admitted into any port of the French Republic, but in the case of necessity; in which case the vessel shall be obliged to depart from such port as soon as the cause of entry shall have ceased.”

This decree went to sweep off the ocean every ship of the United States, and almost of the whole world—for, except perhaps a Chinese junk, there was hardly a vessel to be found on the ocean without some article of merchandise that had “come out of England or its possessions.” It was an interdict of the direct trade in our own commodities, for no vessel could take tobacco, cotton, bread-stuff, &c., to London or Liverpool, and bring back a return cargo, without coming under that decree; and, without returns, there could be no export, for export and import were correlative terms; the one could not exist without the other; there could as soon be a wife without a husband, a child without a parent, a master without a servant; the one implied the other. To talk of export without import was *argumentum ex absurdo*. Here, then, was a prohibition of that direct trade, that pittance, that *minimum* of maritime right, for which gentlemen are now willing to go to war. He put these facts to gentlemen who now stickle about the direct trade, with which the Orders in Council interfere. Was he, therefore, the defender of those Orders? He stated the parallel cases to show that against the anti-neutral decrees of France, Republicans had refused to vote armies and fleets. But those times had passed away. The sternness of our republican principles had not then melted away by basking in the sunshine of a republican Court. He would not enter into a disgusting recital of other French injuries and abominations; he would confine himself to those daring maritime insults and aggressions, which had been chastised by the valor of American tars, while happily the fleets of our enemy were pinioned in port, or crippled at sea, by her great rival. It was matter of curiosity to look into some of the causes of complaint urged against us by the notorious citizen Talleyrand, ex-bishop of Autun, &c. In his capacity of Minister of Foreign Relations, he had, among other complaints, represented to our Ministers, in an official note, that “The newspapers *known* to be under the indirect control of the Cabinet, have, since the treaty, redoubled the invectives and calumnies against the Republic, and against her principles, her magistrates, and her Envoys. Pamphlets, openly paid for by the Minister of Great Britain, have reproduced, in every form, those insults and calumnies; with-

'out a state of things so scandalous having ever attracted the attention of the Government, which might have repressed it. On the contrary, the Government itself was intent upon encouraging this scandal in its public acts."

We had greater inducements to raise men in 1798 than now. There were then French possessions in our neighborhood, from which a predatory war, under French and Spanish colors, had been waged upon our commerce, even in our own harbors, and on our own shores, which had no parallel, unless in the depredations, the rapine and plunder of the Barbary corsairs on the opposite coasts of Christendom. Our little fleet at that time triumphed in the West Indian seas. It was in our power to have applied the remedy to the actual seat of the disease. Not only was our fair and legitimate commerce with England prohibited—the trade from London to New York, and, by consequence, from New York to London—but we were forbidden to barter, even with a neutral, for any article "coming out of England, or its possessions;" nay, more—our vessels engaged in any such trade, were, *ipso facto*, stamped with the character of *enemy*. The cargo—even the minutest part of it—a single volume, printed in England, determined the character of the whole, and of the vessel also. It was a commercial attainer, working a general corruption of the whole mass.

The nation had been brought into its present alarming and unprecedented situation by means in no wise unaccountable—by steps as direct and successive as Hogarth's celebrated series of prints, "The Rake's Progress," beginning at the gaming table and ending in a jail, or in bedlam. Our difficulties began to show themselves in 1805 and 1806, when a *wise man from the East* (Bidwell) was sent to govern the American House of Commons, in quality of manager. With what degree of fidelity he had discharged this duty, we might judge from that which he had since displayed in far inferior trusts. We had commenced our system somewhat on the plan of Catharine of Russia, when she lent her nominal aid to the coalition; we had dealt even more profusely than she in manifestoes; we began, under the instigation of mercantile cupidity, to contend by proclamations and resolutions for the empire of the ocean. But, instead of confining ourselves as she had done to this bloodless warfare, we must copy the wise example of her successors, and after our battle of Friedland, he supposed, we also should have our peace of Tilsit. He gave the little minority praise for having kept the Administration in check, under the salutary restraint of a rigorous examination of their acts—although the Administration had run away with the credit of wishing to take a strong attitude, and had thrown the blame of thwarting their measures on the opposition. That opposition had been composed of all sects and persuasions; but he now perceived that the greater part of them (the Federalists) had gone over to the Court party, for a very obvious reason—because they foresee at the end of the journey, Mr. Speaker, that your defeat will

secure their triumph. I wish the gentlemen on my left (the majority) joy of their new travelling companions.

But he could trace the origin of our present difficulties a little further back than the years 1805 and 1806—to the refusal of our Government to prolong the Treaty of London, which, by its own limitations, had expired within two years after the conclusion of the war. But for the truce of Amiens—for it hardly deserved the name of a peace—that treaty would now be in operation. The refusal to prolong its stipulations, at least during the continuance of the war; to consider the peace of Amiens as in effect no actual termination of the contest; the rejection of the overtures made by the English Ministry to reinstate it, was a capital error, for which no statesman could atone. Admitting, for argument's sake, the treaty to have been in the first instance impolitic; yet, on the accession of the late President to the chair—he might as well say the throne, for he understood a throne to be only a magnificent chair—under the practical operation of that treaty, the commerce of the country was in the "full tide of successful experiment." It was, to say the best of it, whim, madness, a maggot of the brain, the wildest of vagaries, to refuse to prolong that treaty when it was proposed by the British Government, thus laying the foundation for a breach which has since been widening. On the Revolution of 1801, that Government had been led to apprehend, from the language held by prostituted presses in this country—he meant the presses of both parties—that the persons who then came into power would throw themselves into the arms of France. But they were agreeably disappointed; they were soon undeceived. This Government was at that time directed by men who understood and pursued the true interests of the country. Mr. R. said that he stood in such a situation, at that time, as enabled him to pronounce that every fear of that sort on the part of the British Cabinet was dissipated. An unfeigned cordiality had been kept up between us and the Court of St. James, without, at the same time, disturbing the amity subsisting between us and France. Even the refusal to renew the Treaty of London, ill advised as it was, did not immediately impair the good understanding which existed between Great Britain and the United States. But to this, after some ill-timed threats and bickerings, succeeded the rejection of the Treaty of Mr. Monroe—he said of Mr. Monroe, because, although another gentleman was united with him in the mission, he suspected that he had as little efficient agency in that treaty as Mr. R. himself. He believed, that at this time, we should be very willing to accept of that scouted treaty, even with the *caveat* of Lords Holland and Auckland attached to it—for in that light he had always considered the obnoxious note. Surely it was more candid and honorable to apprise us, beforehand, of their intentions, under a certain contingency, than to hold it up in mental reservation until the event should have occurred. In any event, that note,

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however it might be objected to upon principle, was couched in terms not merely inoffensive, but decorous and respectful. At any rate, after the note of the Duke of Cadore, who had declared us to be "without honor, without energy, without just political views;" who had likened us to the Colonial Assembly of Jamaica; who had kindly spared us the trouble of declaring war; galled and seared as we had been by his taunts, we should hardly turn up our noses at the note of the British Commissioners. The imperial challenge of insult had been drained to the very dregs. Even our diplomatic worm had turned and writhed beneath the heel of the imperial oppressor. Yes, we would unquestionably be willing to occupy the ground offered to us in 1806, to accept the terms of that despised and rejected treaty—rejected, as if in scorn—but for purposes too visible to need explanation or comment. Suppose, sir, at this day you had to require the opinion of the Executive Government on the merits of that instrument, of whom would you demand it? Through what channel would you receive it? Mr. R. presumed, through the Department of State. By whose opinion would you be guided, by that of the ex-Secretary, or of the Secretary in fact? How would you settle the matter between them? Would you compound it?

But we are told, and by men of honor too, that we stand pledged to France. I was not surprised, sir, to see this asserted by factious journalists, but I confess my astonishment; nay, my grief and indignation, when I hear it asserted on this floor, by men whom I honor, whom I love, whom I revere! Bound to France, as Sinbad the sailor was bound to the putrifying corpse of his deceased wife. If so, then have we sealed our perdition. Will any man contend that we have the right to transfer to a foreign Despot the power of making war for us, upon whom and when he shall please? No, sir, I deny it; such is not our miserable, our hopeless condition. We are not bound to France, and, so help me God, with my consent, we never shall be so bound. What will your constituents say to this? Suppose they crowd your table with memorials and instructions against this measure, will you reply to them with the coolness of a modern duellist—"We are bound in honor; we are sorry for it, but cannot help it. The sacred trust which you reposed in us we have betrayed; the high attributes of sovereignty, the power of war and peace with which you clothed us for your own good, we have made over, by legislative legerdemain, to the great oppressor of our name and race. We are spell bound, under incantation, and must obey." Will the people endure this? Is the power of making war transferred from the American Congress to France? and by chicanery too? *Bound to France!* By what? By a contrivance, an artifice the most bungling—by a quibble which a Newgate solicitor would blush to plead in bar of an indictment for felony. But, sir, if you have sold yourselves into foreign bondage, I pray you to show me the equivalent, the *quid pro quo*. What have you got in exchange from

the tyrant of the earth? Where is the mess of pottage, the miserable dish of French broth, of soup maigre, for which you have bartered away your birthright; the birthright of a whole people; the right of self-government; the power over war and peace! Shall we look into the official, responsible correspondence, of our own Government for this equivalent? We have their unquestionable testimony that France has played us false. The Secretary of State, in his letter of the 10th of December last to General Turreau says:

"The act of Congress of May last had for its object, not merely the recognition of a speculative legitimate principle, but the enjoyment of a substantial benefit. The overture therein presented, obviously embraced the idea of commercial advantage. It included the reasonable belief, that an abrogation of the Berlin and Milan decrees would leave the ports of France as free for the introduction of the *produce of the United States* as they were previously to the promulgation of those decrees.

"The restrictions of the Berlin and Milan decree had the effect of restraining the American merchants from sending their vessels to France. The interdiction in the system that has been substituted, against the admission of American products, will have the effect of imposing upon them an equal restraint. If, then, for the revoked decrees, municipal laws, producing the same commercial effect, have been substituted, the mode only, and not the measure, has undergone an alteration."

France, then, by the solemn declaration of our own Government, has done by municipal decrees what her edicts of Berlin, Milan, &c., could not more completely have effected. Like a true *chevalier d'industrie*, she tells you—"My decrees shall be withdrawn;" and, when she has you in her clutches, she achieves her purpose of robbery and plunder by a change of the mode—municipally—by municipal decrees—and we, good easy men, are satisfied. She may rob and plunder to her heart's content; she may violate every right of hospitality; decoy us into her ports, and then strip us to the skin—but mark, I pray you, not under the Berlin and Milan decrees—not under "edicts affecting our neutral relations"—but as how, I beseech you? Why, in a civil way—municipally. To be pledged to France, (suppose it possible,) we must have a *bona fide* revocation of her unjust edicts carried into lasting effect—not a subtle, oracular, Delphic response, "which keeps the word of promise to the ear, but breaks it to the hope." Can you carry your tobacco, cotton, or bread-stuffs to France? Go with your tobacco; there is but one buyer, and, of course, can be but one seller to supply her market. The imperial tobaccoist possesses the monopoly; he gives you what he pleases, and that you must take. To be sure you have the privilege of transporting it by land from Bordeaux, seven hundred miles, into Germany. Your cotton is excluded by enormous duties; your bread-stuffs she does not want. She secretly supplies them herself to her enemy, at the same time that she interdicts your supply, which might come into competition

with hers. Whether the Orders in Council are repealed I know not, and I care not. They do not prevent us from trading with France; France herself excludes us. They have not prevented thirty millions of American property from finding its way into the ports of France, and thence into the imperial coffers. How did this property get there? He spoke of the practical effect of the Orders in Council. Their principle, or want of principle, was another thing. "The Berlin and Milan decrees," as our own Government had officially pronounced, "had restrained the American merchants from sending their vessels to France." No sooner were they duped into a belief that these injurious decrees were, or would be removed, than thirty millions of American property (the Orders in Council to the contrary notwithstanding) found its way to France, to be caught in her municipal trap. And we are to go to war for the privilege of a scanty trade, under licenses, with France—taking our returns in French silks—at the very instant that we ourselves are passing prohibitory and highly penal laws against this very licensed trade! This is the consummation of folly and inconsistency.

Reverse the picture—suppose your vessels condemned in English ports for having touched at a French port, or having been searched by a French cruiser. The proceeds poured into the coffers of the British Exchequer to the amount of thirty millions. The British Ministry mock you with a nominal revocation of their Orders in Council, substituting some contrivance that answers the same end. Your diplomatic puppet gathers courage to ask for the plundered property of our citizens. He is told, with true French nonchalance, "Why, as to that affair, it is to be settled by the law of reprisal." What would you say? Sir, you are laughed at as idiots, for expecting the restoration of thirty millions from the grasp of a foreign Power—and that power France! You may as well go to Algiers to look for the money.

Mr. R. said, that having attempted to describe the aggressions of France in 1798 and 1799, when the Republicans refused to go to war with her, he would now advert to injuries of a later date, and he challenged a comparison of them with those of any nation under the sun.

In the year 1800, a treaty was negotiated by Mr. Davie, and other Commissioners appointed by Mr. Adams, with the present ruler of the French Empire. This treaty, signed by Bonaparte's own hand, was ratified by the late President (Mr. Jefferson) and the Senate, the succeeding year.

The third article provides for the mutual restoration of the public ships taken during the existence of hostilities between the two contracting parties:

The fourth for the restoration of property captured (in actual war) and not definitively condemned:

The sixth declares "that commerce between the parties shall be free." The subsequent conduct of the French Government is a suitable commentary on this text—"free." This was

French freedom, he supposed. But hear the 8th article:

"To favor commerce on both sides, it is agreed, that, if in case a war should break out between the two nations, which God forbid! the term of six months after the declaration of war shall be allowed to the merchants and other citizens, and inhabitants respectively, on the one side and the other, during which time they shall be at liberty to withdraw themselves, with their effects and moveables, which they shall be at liberty to carry, send away or sell, as they please, without the least obstruction. Nor shall their effects, much less their persons, be seized, during such term of six months. On the contrary, passports, which shall be valid for a time necessary for their return, shall be given to them for their vessels, and the effects which they shall be willing to send away or carry with them; and such passports shall be a safe conduct against all insults and prizes which privateers may attempt against their persons and effects. And if any thing be taken from them, or any injury done to them or their effects, by one of the parties, their citizens or inhabitants, within the term above prescribed, full satisfaction shall be made to them on that account."

And yet, sir, in a time of profound peace; in the face of this solemn stipulation; in the teeth of this treaty, signed by his own hand, when the imperial ruler of France himself could not insinuate that we had infringed one iota of it, had our merchants been decoyed into his ports, robbed, incarcerated, treated with every species of contumely and disgrace, in a manner in which, had we been at open war with France, he was not at liberty to treat them until after a fair notice of six months. In Bordeaux, Antwerp, Amsterdam—in every port under the control of France—not forgetting Naples, the kingdom of Joachim Murat—there had been one uninterrupted scene of American plunder. In private life, there was a description of men so flagitious, so notorious for the disregard of every principle of morality, honor, and religion, as to be considered privileged to do and to say what they pleased; and in this class we seemed disposed to rank the present ruler of France. He stood absolved from all the obligations which are binding on other men. No act of turpitude, or ill faith from him, could excite any emotion or surprise; it was overlooked as a matter of course.

By the Article 12th. "It shall be lawful for the citizens of either country to sail with their ships and merchandise (contraband goods always excepted) from any port whatever, to any port of the enemy of the other, and to sail and trade with their ships and merchandise with perfect security and liberty, from the countries, ports, and places, of those who are the enemies of both, or of either party, without any opposition or disturbance whatsoever; and to pass not only directly from the places and ports of the enemy aforementioned, to neutral ports and places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same Power, or under the several; unless such ports or places shall be actually blockaded, besieged, or invested."

"Article 14th. It is hereby stipulated that free ships shall give a freedom to goods, and that everything shall be deemed to be free and exempt which shall be

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found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted."

Under this article our ships have been burnt and sunk on the high seas, in the prosecution of their lawful trade.

"Article 17. And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed that when one party shall be engaged in war, and the other party be neuter, the ships of the neutral party shall be furnished with passports similar to that described in the fourth article, that it may appear thereby that the ships really belong to the citizens of the neutral party; they shall be valid for any number of voyages, but shall be renewed every year—that is, if the ship happens to return home in the space of a year. If the ships are laden, they shall be provided not only with the passports abovementioned, but also with certificates similar to those described in the same article, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, the offer shall be accepted, and the ship shall be at liberty to pursue its voyage, unless the quantity of contraband goods be greater than can conveniently be received on board the ship of war, or privateer, in which case the ship may be carried into port for the delivery of the same."

Article 18. Regulates the manner of search, "for the avoidance of disorder and abuse."

But why recite these stipulations, when our Minister at Paris had been compelled to state to the French Government, "that to appeal to our solemn treaty with the ruler of France, or to the laws of nations," which are the principles of eternal justice and truth, "would be literally to appeal to the dead." And yet, with all this glaring testimony of French perfidy, injustice, injury, and insult, we hear of *pledges to France*, of designating our enemy, and that enemy not France. Sir, if you go to war it will not be for the protection of, or defence of your maritime rights. Gentlemen from the North have been taken up to some high mountain and shown all the kingdoms of the earth; and Canada seems tempting in their sight. That rich vein of Genesee land, which is said to be even better on the other side of the lake than on this. Agrarian cupidity, not maritime right, urges the war. Ever since the report of the Committee on Foreign Relations came into the House, we have heard but one word—like the whip-poor-will, but one eternal monotonous tone—Canada! Canada! Canada! Not a syllable about Halifax, which unquestionably should be our great object in a war for maritime security. It is to acquire a prepondering northern influence, that you are to launch into war. For purposes of maritime safety, the barren rocks of Bermuda were worth more to us than all the deserts through which Hearne and McKenzie had pushed their adventurous researches. Since this great bomb, the report of the Committee, had

burst upon the House, Mr. R. had been anxiously waiting for some great political or military projector to point out a way by which we could get at Halifax, or even at Quebec. He had seen and heard nothing that indicated a tolerably correct information of the subject. Whilst England maintained the mastery of the seas, and could throw supplies into them at pleasure, he supposed they were to be starved out. He was forcibly reminded of a ludicrous caricature, published soon after the siege of Gibraltar. That fortress was represented to lie in the moon—and whilst the Duke de Crillon was making passes at it with a small sword, Don Quixote, on his Rosinante, with Sancho (the best and most honest Governor of whom he had ever heard) mounted on Dapple, at his back, exclaimed, with true Castilian gravity to his trusty squire, "we'll starve them out Sancho!" This *tit-bit*, Canada, which had inflamed the cupidity of northern contractors, made us forget the disturbances among our savage neighbors—the hostilities committed or meditated along our whole northwestern and southern frontier. Symptoms of discontent were manifesting themselves among the Creeks—in the State of Georgia. As to Louisiana, he did not consider it as an integral part of the United States. We had bought it and might sell it—he felt himself as much at liberty to sell it as to dispose of his own slaves. If we were to have war, he hoped it would be for something of greater national benefit than to enrich the commissaries and contractors from Michillimackinac to Niagara and Frontignac.

He repelled the charge of avarice made against the opponents of the present measure. Avarice, although the most sordid and degrading vice of the individual character, was one of the first virtues of a statesman. To husband the public revenues, to ease the public burdens, where consistent with the public interest, was one of the cardinal duties of a wise or beneficent Government. He extolled the avarice of Elizabeth and her Burleigh and Walsingham, and that of Frederick the Great, which, aided by his genius, enabled him to build up a first rate power in Europe—to make a Prussia. He compared the parsimony of these great Sovereigns and Ministers, with the profusion and prodigality that had overthrown the monarchy of the Bourbons. We had been told of honor in one scale, and dollars and cents in the other—of cold calculators—the calculators were on the other side. They begin at home. Their generosity is not misapplied. They were reckoning up the portion of those very dollars and cents that might fall to their share. Seekers after commissions, embryo colonels and generals, contractors, commissaries, and the whole tribe of leeches that fasten on the public purse—these were the true calculators. His friend from North Carolina, and himself were calculating *pro bono publico*; to save the people's money, not to share it. This was the character of their avarice. It was not of that description which views with equal eye, "the public million and the private groat."

Mr. RANDOLPH returned his thanks to Mr. JOHNSON and Mr. WRIGHT for the courtesy and urbanity with which they had conducted the debate. He said; although he felt no sort of delicacy towards General Wilkinson, yet, in deference to the feelings of the gentleman from Maryland, (Mr. WRIGHT,) who, thinking of that person as he did, had displayed much liberality towards Mr. RANDOLPH—he should forbear the unnecessary expression of opinions which wounded a gentleman professing to be the personal friend of General Wilkinson, and sincerely believing him innocent. Yet he must not be understood as modifying the opinions, which he had heretofore expressed of that man, who was sometimes styled the Commander-in-Chief. He had been compelled to wade through a mass of testimony respecting him, among which that of the General himself was not the least conclusive, which left no more doubt on his mind as to his real character, than he had of the being of a God—and he must renounce his reason before his conviction on either subject could be shaken. The public sentiment had pronounced an irreversible sentence, that no mock tribunal could affect.

Mr. R. said, that he had been misapprehended by the gentleman from Kentucky, (Mr. JOHNSON.) While he held himself utterly irresponsible for sentiments ascribed to him in the public prints, where it was hard to tell whether his language or his meaning was more perverted and mutilated, he should be sorry to be misunderstood by a gentleman on that floor, who had conducted himself in debate with so much liberality toward his adversary as that gentleman had displayed. Mr. R. had never said, that on an explicit requisition of troops, by the Executive, he would vote the number required. He had said, that if the Executive, who was charged with the public defence, should declare to that House that this force was necessary to enable him to extend that protection over the United States and their dominions, which it was his duty to see afforded, for instance, to garrison New Orleans against meditated attack; to guard against apprehended danger from our savage neighbors, or from any formidable European Power—it would be with great distrust of his own judgment and information if he refused the grant.

He had asked for proof of British connexion with the late massacre; he had been answered by one gentleman, "I have no doubt of it;" while another had attempted to show, from the history of our late war, (what no man ever denied,) that the Government of England was capable of such an act. He foresaw that he should have to postpone his trip to Canada. He had asked for proof of the savages having been instigated by the British Government, or its agents, and he had been told of the trade of the Northwest Company. Was that any novelty? Might we not as well charge ourselves with a participation in the act, because we had furnished them with similar articles? Was the Northwest Company the British Government? Was it in any degree under the control of that Ministry? In fact, since the non-

importation act, had not our agents been obliged to wink at a smuggling trade by that concern, in order that the Indians might be furnished with articles which we could no longer supply? As to the question whether the British Ministry were capable of such an act? there was nothing too mean, too vile, too infamous for Governments to do. The veteran politician was unsusceptible of friendship or enmity; he simulated the one or the other, just as it suited his own individual interest, his own crooked schemes and plans of advancement, to which he made every other consideration bend.

The gentleman from Maryland had expressed surprise at Mr. RANDOLPH's manner of speaking of our origin from an English stock. Could that gentleman repose his head upon his pillow without returning thanks to God that he was descended from English parentage? Whence but from that origin came all the blessings of life, so far as political privileges are concerned? To what is it owing that we are at this moment deliberating under the forms of a free representative Government? Suppose we had been colonies of any other European nation—compare our condition with that of the Spanish, Portuguese, or French settlements in America? To what was our superiority owing? To our Anglo-Saxon race. Suppose we had descended from those nations—from the last, especially, which stood self-condemned, on her own confession, as incapable of free Government, hugging her chains, glorying in her shame, priding herself in the slave's last poor distinction, the splendor of her tyrant master? Had we sprung from the loins of Frenchmen, (he shuddered at the thought!) where would have been that proud spirit of resistance to Ministerial encroachment on our rights and liberties, which achieved our independence? We should have submitted to the tea tax, the stamp act, and the whole train of Grenville and North ministerial oppression. That which we lifted our hands against in determined scorn, would have been deemed an indulgence. Look at the province of New Spain, or Mexico, as it is, not with strict propriety, called. With a physical force greatly superior to ours in 1776, she had not dared to burst the chains of Spanish despotism, divided, weakened, almost extinct as was the Spanish monarchy. Mr. R. adverted to historical documents to show that America ought to be proud of her Anglo-Saxon descent. We were vastly particular about the breed of our horses, cattle, and sheep, but careless of the breed of human nature. And yet to our Anglo-Saxon origin we owed our resistance to British tyranny. Who were the members of the first Congress? From Massachusetts, Samuel Adams, and (other Adams too,) Robert Treat Paine, not Tom. From Connecticut, Roger Sherman, a man of the most profound political wisdom. From New York, James Duane, John Jay. From New Jersey, William Livingston. From Pennsylvania, Thomas Mifflin. From Delaware, Caesar Rodney, Thomas McKean. From Maryland, William Paca. From Virginia, Peyton Randolph, George Washington, Patrick Henry, Richard Bland, Edmund Pendle-

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ton. From South Carolina, Henry Middleton, John Rutledge, Christopher Gadsden, Edward Rutledge. In what school had these illustrious men formed those noble principles of civil liberty asserted by their eloquence and maintained by their arms? Among the grievances stated in their remonstrance to the King, a "standing army" met us at the threshold. It was curious to see in that list of wrongs, so many that had since been self-inflicted by us.

"The authority of the Commander-in-Chief, and under him, the Brigadier General, has, in time of peace, been rendered supreme in all the civil governments in America."

Here, indeed, only in *one*.

"The Commander-in-Chief of all your Majesty's forces in North America, has, in time of peace, been appointed Governor of a Colony."

The same case had happened here in the appointment of General Wilkinson to the government of Louisiana.

"The charges of usual offices have been greatly increased; and new, expensive, and oppressive offices, have been multiplied."

The same case now.

"The officers of the customs are empowered to break open and enter houses, without the authority of any civil magistrate, founded on legal information."

This power, too, has been exercised here.

"Humble and reasonable petitions, from the Representatives of the people, have been fruitless."

How does this apply to the petitions from our commercial towns, some of which were refused reference or consideration?

"Commerce has been burdened with many useless and oppressive restrictions."

In this we had not been behindhand with Lord North himself.

"In the last session of Parliament, an act was passed for blocking up the harbor of Boston."

We have blocked up every port from Maine to Georgia. These great men never anticipated the time when our whole coast should be under the paper blockade of embargo laws; when these should be considered as the legitimate exercise of our restrictive energies; they never dreamed of such oppressions.

"Extending the limits of Quebec, abolishing the English and restoring the French laws, whereby great numbers of British freemen are subjected to the latter, and establishing an absolute Government, and the Roman Catholic religion throughout those vast regions that border on the westerly and northerly boundaries of the free, Protestant, English settlements."

These truly great and wise men were not indifferent to the interests of religion. They knew and felt that it was the basis of all that was valuable in the human character, that society and Government could not exist without it. They had not had the benefit of "The Age of Reason," nor even of "The Rights of Man."

"From this destructive system of Colony administration, adopted since the conclusion of the late war, have flowed those distresses, dangers, fears, and jeal-

ousies, that overwhelm your Majesty's colonies with affliction; and we defy our most subtle and inveterate enemies to trace the unhappy differences between Great Britain and these colonies, from an earlier period, or from other causes than we have assigned. Had they proceeded on our part from a restless levity of temper, unjust impulses of ambition, or artful suggestions of seditious persons, we should merit the opprobrious terms frequently bestowed upon us by those we revere. But so far from promoting innovations, we have only opposed them; and can be charged with no offence, unless it be one to receive injuries, and be sensible of them.

"Had our Creator been pleased to give us existence in a land of slavery, the sense of our condition might have been mitigated by ignorance and habit. But, thanks to his adorable goodness, we were born the heirs of freedom," &c.

"The apprehension of being degraded into a state of servitude, from the pre-eminent rank of English freemen, while our minds retain the strongest love of liberty, and clearly foresee the miseries preparing for us and our posterity, excites emotions in our breasts, which, though we cannot describe, we should not wish to conceal."

Mr. R. also read an extract showing Doctor Franklin's opinion as to the state of the colonies previous to the troubles of the stamp act. That wise man had explicitly declared that ours was the only instance of an extensive empire in which the remote provinces were as well governed as the metropolis and its vicinity. The question was not whether we should continue in our happy situation, previous to the British attempts to tax us without our consent, (for better, he allowed, we could never expect to be,) but whether we should give up that enviable condition without a struggle. The gentleman from South Carolina must excuse him if he preferred the authority of Dr. Franklin, and of these authors of our independence, to his own (Mr. CALHOUN's); in this school, at the feet of Gamaliel, he had studied his political principles. We had received our indelible character of freemen from our Anglo Saxon descent. Sprung from the loins of Spaniards, Portuguese, and Frenchmen! what should we have known of representative Government, of jury trial, of the privilege of the writ of *habeas corpus*, the palladium of liberty itself?

But he had been guilty of estimating the resources of the adversary against whom we were about to contend, and our own capacity to maintain the war for any beneficial result. This was the first instance in which he had heard an open contempt of all calculation as to the means of carrying on a war, or the strength of the enemy, in the discussion of a war question. He augured nothing good from such rashness, such ignorance of the first principles of politics, of the elementary knowledge of a statesman. Indeed, he had, in the course of the debate, with this exception, heard nothing that had not before been said, and better said. Mr. R. could not, out of deference to those gentlemen who feel so sensitive an antipathy to calculation, forbear progressing with his dull, dry matters of fact, although they were so little in unison with the flowing speculations of

the day: He quoted the review of Pasley's Essay on the British Military Policy. (He had not been able to procure the work itself.)

"The population opposed to us in our contest with the Emperor of the French, Captain Pasley estimates as five to one, and, numerically speaking, he is perhaps sufficiently accurate. But the power of producing and maintaining armies results so little from mere population, that previous to the time of Francis I, it is well known that no standing army was or could be maintained in Europe, and from that time armies have only increased with increasing civilization. The cause of this is not obscure. Millions of persons may subsist in a rude state, and consume the produce of the soil, without acquiring a particle of that kind of power which contributes to the maintenance of an army, or to any other national object. In the feudal times, imperfect agriculture and the want of roads scarcely permitted the cultivators to dispose of a surplus sufficient to furnish money contributions for the support of the regal and baronial courts. The progress of civilization taught a more economical and effectual application of human labor; and an increasing number of persons could be fed, besides those who cultivated the land. To procure their share, these superfluous lookers-on became manufacturers, whence arose, in the natural order of gradation, trade, money, and facility of taxation; and it is in reality from the degree in which scientific or skilful labor exists in a country, that the permanent maintenance of armies is to be calculated. In a ruder state of things nothing can be furnished beyond the raw material—untutored man.

"The real inquiry for our purpose therefore is, the quantity of machinery, of scientific labor, and of the means of employing both, existing in England, as compared with the same resources in the dominions of Bonaparte. A difference in our favor all will allow, because if both had remained stationary since the commencement of the war, our superiority was evident from the vent of our manufactured goods on the Continent, and that too in despite of the higher price paid in England for labor to each individual workman. And what has happened since the commencement of the war? Except those ornamental manufactures which are maintained, not by profit, but at the expense of Government, from motives of vanity or policy, all manufacture in France is extinct, or nearly so. Over the rest of the Continent war has occasioned a desolation unparalleled since the eruption of the Barbarians; and war contributions have annihilated the visible capital of the manufacturer, and therewith, of course, all his exertions. This we may conclude without fear of error from the otherwise unaccountable and incredible avidity with which English goods are purchased even in increased quantities, though at a price proportioned to the danger of hazarding the vengeance of the laws, if they may be so called, which have been made for their exclusion.

"The prosperous application of large capital we have daily opportunity of seeing. In one place, a large steam engine performs the manual labor of five hundred able men; in another place, a cotton mill works with all the delicacy of five hundred skilful artisans; and a thousand men may thus be marched to the army without national loss. In machinery less striking than these popular instances, no less progress has been made. For instance, agricultural instruments employed about a hundred and twenty persons, mas-

ters and workmen, in London, twenty years ago—now upwards of two thousand are engaged in this manufacture; but this increase in their number is accompanied by the discharge of thousands and tens of thousands from manual labor; and so proportionally has machinery lent aid to all the other trades and callings. Co-operating with machinery, in advancing our national power, is obviously the division of labor; the effect of which, having been so ably examined and stated, as to have become an undisputed principle, has only been mentioned in this place, lest we should seem to forget that it has conspicuously increased in the last ten years.

"The following statement of our effective forces, including officers, at the close of the last year, will be at once satisfactory to our readers, and useful to our argument. Our regular cavalry appears, from the authentic returns, to have been, on the 25th of December last, 31,375. Our regular infantry, including the foreign and colonial corps, 911,574. The artillery, horse, and foot, 22,346, making in all, of regular land forces, 265,395 men. The vote for seamen and marines was, in 1810, increased to 145,000; and it was stated in Parliament that this increased vote was necessary, because that number were actually in the service. The regular militias of the Empire amounted to 95,444, and thus we have a total actual military and naval force of upwards of five hundred thousand men; a force more than double the military establishment of the Roman Empire, under Augustus. And here we must observe, that the measure of interchanging the British and Irish militias, the most important and beneficial to the Empire, which has been proposed since the union, will have the effect, in addition to many other and greater advantages, of increasing our actually disposable force by nearly 16,000 or 20,000 men, the number of regular troops which it has hitherto been thought expedient to retain in Ireland, and which we apprehend may be most safely and most usefully replaced by the British militia.

The local militia of Great Britain, which assembled for exercise at the last inspection, amounted to 167,000. The volunteers in Great Britain, are 52,000 infantry, and 18,000 cavalry. In Ireland, 67,000 infantry, and 8,000 cavalry—a total irregular force of 312,000.

"Thus, in the whole, we offer to the world the proud and commanding spectacle of eight hundred and twenty thousand men in arms; and this has been accomplished, as the increased comforts of all classes of society abundantly prove, without any unnatural exertion or ruinous expenditure of our strength. To our enemy, everything is opposite; and, accordingly, with all his five-fold superiority of population, he does not, certainly, only because he cannot, maintain many more troops and seamen than ourselves, even by the severest exactions of tyranny."

He asked for our surplus of capital, of labor, of population, out of which (except in the pastoral state) a military power could grow.

It had been asked, why was the country unprepared for defence? Was he expected to answer this question? The Administration, and their overwhelming majorities, must answer it. They had wanted in the plenitude of their power. Who could say them, nay? Was it Mr. RANDOLPH's fault, that the gentleman from South Carolina had never, in the course of his extensive experience, heard of a proposition to arm the whole body of the militia? which had been

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damned with a faint appropriation of two hundred thousand dollars, when millions were lavished upon miserable *oyster* boats. The Clerk of the Senate could not forbear a sneer, when he read the title of the bill, at the recollection of the means to enforce it. Mr. R. had proposed himself an annual million until the work should be accomplished. He would forever stand up for the militia. It was not in the scoffs of the epaulette gentry, who, for any service they have seen, are the *rawest militia*, to degrade them in his eyes. Who were they? Ourselves—the country. Arm them, and you are safe, beyond the possibility of danger. Yearly did the standing army sweep off the money, while the militia received empty praise. He would rather see the thing reversed. But there will forever be a Court and Country party. The standing army is the devoted creature of the Court. It must forever be so. Can we wonder that it should be cherished by its master? He spoke of a mercenary soldier, in terms of the strongest abhorrence. He would ever uphold the militia; and he detested standing armies, as the profligate instruments of despotism, as the blood-hounds of hell. They would support any and every existing Government. In all history, he remembered only one instance of their deserting their Government and taking part with the people; and that was when the Duke of Orleans had bribed the army of the last of the Bourbon Kings. A mercenary soldier was disgusting to our senses; was odious and detestable to the eye of reason, republicanism, and religion. Yet, that “mere machine of murder,” rude as it is, was the manufacturer of all the Cæsars, and Cromwells, and Bonapartes, of the earth; consecrated by a people’s curse, not loud but deep, to the infernal gods. As from the filth of the kennel and common sewer, spread the pestilence that carried havoc through a great city, so from this squalid, outcast, homeless wretch, sprung the scourge of military despotism. And yet we were told that there was no danger from an army of 30,000 or 40,000 men. With 5,000, Cæsar had passed the Rubicon. With 22,000, he fought the battle of Pharsalia, which rendered him the master of the world. To come to later times—what number had Bonaparte, when, deserting his companions in arms, he returned a solitary fugitive from Egypt, to overturn that Government, which, if it had possessed one particle of energy, if it had been possible for the civil authority to cope with military power, would have cashiered him for having ruined one of the best appointed fleets and armies that ever sailed from a European port? Well might the father of political wisdom (Lord Chatham) say to the Parliament of England, “entrench yourselves in parchment to the teeth, the sword will find a passage to the vitals of the constitution.” As good a Republican as ever sat on that floor, (Andrew Fletcher, of Saltoun,) had dissolved his political friendship with the Earl of Sunderland, when he found him supporting an army; and the event justified his sagacity. Cromwell, the affected patron of liberty, always encouraged the army.

We know the consequence. It was a fundamental principle of free Government that a Legislature which would preserve its liberty must avoid that canker, a standing army. Are we to forget, as chimerical, our notions of this institution, which we imbibed from our very cradles, which are imprinted on our Bills of Rights and Constitutions, which we avowed under the reign of John Adams? Are they to be scourged out of us by the birch of the unfledged political pedagogues of the day? If he were the enemy of this Government, could he reconcile it to his principles, he would follow the example set him in another quarter, and say to the majority, go to your inevitable destruction! He likened the people under this joint operation of the two parties, Ministerial and Federal, to the poor client between two lawyers, or the cloth between the tailor’s shears.

He was glad to hear from his venerable friend that this was not to be a party war. When the last additional force bill was raised, to which this was about to be superadded, it was an indispensable preliminary to an appointment, to sign, or to promise to sign, the thirty-nine articles of the creed of the reigning political church. But now, the political millenium was at hand—already had John Adams and Citizen Genet laid down, like the lion and the lamb, in the same fold. And if they were not joined by their fellow-laborer in Newgate, it was his keeper’s fault, not that of his inclination. Citizen Genet, now an American patriot of the first order, who extols “our WASHINGTON,” the champion of the laws of nations; the vindicator of American rights against foreign (and, of course, French) aggression! He was glad to hear that it was not to be a war for the protection of manufactures. To domestic manufactures, in the true sense of the term, he had always been, and ever should be, a friend; he had taken a pride in clothing himself in them until it was attempted to be made a political test. He abhorred tests of all sorts, political and religious, and never would submit to them. He was sick of this cant of patriotism, which extended to a man’s victuals, drink, and clothes. He had, from a sort of obstinacy that belonged to him, laid aside the *external* use of these manufactures; but he was their firm friend, and of the manufacturers also. They were no new things to him; no Merino hobby of the day; he had known them from his infancy. He had been almost tempted to believe, from the similarity of character and avocations, that Hector had a Virginian wife; that Lucretia herself—for she had displayed the spirit of a Virginian matron—was a Virginian lady. Where were they found? Spinning among their handmaids! What was the occupation of a Virginian wife—her highest ambition? To attend to her domestic and household cares; to dispense medicine and food to the sick; to minister to the comfort of her family, her servants, and her poor neighbors, where she had any. At the sight of such a woman, his heart bowed down, and did her reverence. Compare with such a being your gad-about card-players. Mr. RANDOLPH said that, if

the Empress Queen had presented herself decked in the spoils of a ravaged world, at the late exhibition, in contrast with our American matrons, bearing the triumphs of their own ingenuity and industry, we should have looked upon her, and all her splendor, with scorn and contempt in our hearts, although, from politeness to the sex, as gentlemen, we should have suppressed the sentiment.

Mr. RANDOLPH adverted to our situation with the Indians—to the symptoms of discontent which had manifested themselves in the South, as well as in the Northwest. What might grow out of the late occurrence at Savannah? Were gentlemen prepared to say? Was this a time for war? "But we must put on the armor of defence." Was that armor a *standing army*? Is that the natural defence of this country? Wo betide us, if such be the fact. Bred up in the school of the Revolution, he could not be unmindful of the consequences of that war. In resistance to British tyranny, we had been driven to the use of means that nothing but dire necessity could excuse—means so disgraceful and injurious, that the Constitution of 1787 had wisely prohibited a future resort to them. By our paper money and tender acts; by arbitrary impressments and privations of property, without semblance of equivalent; by acts of violence and confusion, inseparable, perhaps, from our situation, the tone of public morals had received a rude shock. His worthy colleague (Mr. NELSON) needed not to be reminded of the operation of the legal tender of worthless paper in discharge of *bona fide* debts. His noble father (General Nelson) had sacrificed a princely fortune at the shrine of patriotism. His was the *old fashioned* patriotism that *spent*, not *made*, money, in his country's service—not the patriotism of this, our day—the patriotism of office-seeking, of contracting, and commissarying—the patriotism that quarters a man's whole family upon the public. By these acts of public robbery, (for they were no less,) the public morals had been tainted. To it had succeeded the corruptions of the funding system—a necessary consequence of providing for a debt, which the public beggary had caused to sell in open market, at a discount of eighty-seven and a half per cent.! But, in this operation, the harpies of speculation might plead that they had not actually *cheated* the poor soldier; that they practised no *fraud* upon him; that he sold, and they bought, with their eyes open; that they only took advantage of his necessities—as yet, they kept within the letter of the law. A step further was made in the path of iniquity. Actual swindling now commenced. The naked granite of our mountains was passed off, with decorations of imaginary corner trees of buck-eye and walnut, for fertile plains. A scene of depredation the most bare-faced and infamous ensued. Our name had become a by-word among the nations of the earth. Nothing was wanting to give the finishing blow to our character, to top the apex, but predatory war. Not a war for our homes and fire-sides—a war that might generate, or call forth manly and

honorable sentiment—but, a war of rapine, of privateering, a scuffle and scramble for plunder; when, like the duckers on the Potomac, we should calculate at every discharge, "so much powder and shot for so much game."

There was one observation of his eloquent colleague that could not be too often or too strongly enforced. That this war must eventuate in a French alliance. We must carry our prizes (if we took any) into French ports for condemnation and sale. Our vessels must seek a refuge there from pursuit, or to refit. We must come into contact upon so many points, as common enemies to England, that our temporary disgust at a French alliance would wear off.

If in 1778, when the man who covered the retreat of the miserable remnant of Braddock's army, from the scalping knives and tomahawks of the French and the Indians, was at the head of our armies and councils—if at that day, with the glories of the war of 1755, and the atrocious massacres of France and her savage allies in fresh remembrance, we could so soon overcome our instinctive antipathy to all that was French, what might we not now expect after a few hard rubs? When France, too, had been permitted to boast that to her we were indebted for our independence! Sore from her recent defeats, she had lain back, she kept at a cautious distance, until the capture of Burgoyne had asserted our capacity to maintain our resistance. Then she stepped forth to cripple a hated rival, and had the effrontery to pretend that we were indebted to her for our independence. We owed it no more to her than to Tom Paine, the stay-maker. But if you become a party to this war, there will inevitably be another alliance. You will sink into the arms of Bonaparte as his ally, and awake from your slumber his abject constuprated slave. He had endeavored to paint, with feeble hand and timid pencil, the aggressions of France—but formidable as was her enmity, human powers were inadequate to portray the horrors of her friendship.

He could not conclude without noticing the parallel attempted to be drawn by the gentleman from South Carolina, Mr. CALHOUN—not quite indeed after the manner of Plutarch—between himself and an illustrious statesman, (Lord Chatham.) The gentleman had been pleased to say, that at the mention of his name, Mr. RANDOLPH's heart had seemed to smite him. It had indeed smitten him: from a sensation which he trusted that gentleman might never feel; against which he seemed well secured. It was a consciousness of his own unworthiness to sustain the high duties imposed upon him by his country, which the recollection of that great man's name had, at the moment, called up. He felt humbled in the contemplation of his worth. Would to God! he possessed some portion of his powers; that he could borrow his eagle-eye, his withering look, the unrivalled majesty of his manner, the magic of his voice, at once the music and the thunder of the spheres, to rouse the House to a sense of their country's danger. In one respect, however, he might boast that he pos-

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sessed some qualities in common with that immortal statesman. He might assert as lofty a spirit, as unyielding an adherence to the deliberate convictions of his own understanding, as Lord Chatham himself; who, because he set his face against corruption, and had the art of making every coward scoundrel in the nation his foe—concentrating upon himself the “rays of royal indignation, which might illumine, but could not consume him;” who, because with intuitive glance he penetrated, resolved, and combined every interest of his country, and each design of her enemies, and reached his object “by the flashes of his mind, which, like those of his eye, might be felt, but could not be followed,” was by the plodding, purblind, groping politicians of the day, attempted to be held up as an empty declaimer, a theatrical gesticulator. Gentlemen must not expect him to quit the anchorage of his own judgment in order to pursue the *ignis fatui* that wander about Goose Creek. Mr. Speaker, my heart is full—the recollection of that matchless orator and statesman has filled me with unspeakable feelings. To excite them there was no need of the cruel and insulting comparison which the gentleman from South Carolina (Mr. CALHOUN) had attempted to draw between that gigantic statesman and the pigmy who now addresses you.

The question was now taken on concurring with the Committee of the Whole in their agreement to the second resolution, which is in the following words:

“That an additional force of — thousand regular troops ought to be immediately raised, to serve for three years; and that a bounty in lands ought to be given to encourage enlistment.”

And decided as follows:

YEAS—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, John Baker, David Bard, Josiah Bartlett, Burwell Bassett, William W. Bibb, William Blackledge, Harmanus Bleecker, Thomas Blount, Adam Boyd, James Breckenridge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, James Cochran, John Clopton, Thomas B. Cooke, Lewis Condit, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, James Emott, William Findley, James Fisk, Asa Fitch, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Ohed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, Philip B. Key, William R. King, Abner Lacock, Joseph Lefever, Peter Little, Robert Le Roy Livingston, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thos. Newbold, Thomas Newton, Stephen Ormsby, William Paulding, jr., Israel Pickens, William Piper, Benjamin Pond, Peter B. Porter, Josiah Quincy, William Reed, Henry M. Ridgely, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, John Smilie, George

Smith, John Smith, Silas Stow, William Strong, George Sullivan, Peleg Tallman, Uri Tracy, George M. Troup, Charles Turner, jr., Pierre Van Cortlandt, jr., Robert Whitehill, David R. Williams, William Widgery, Thos. Wilson, Richard Winn, and Robert Wright—110.

NAYS—Abijah Bigelow, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, jr., William Ely, Edwin Gray, Richard Jackson, jun., Lyman Law, Joseph Lewis, jr., Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, John Randolph, Daniel Sheffey, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, and Leonard White—22.

The question was then taken on the third resolution, in the following words:

“That it is expedient to authorize the President, under proper regulations, to accept the service of any number, of volunteers, not exceeding fifty thousand; to be organized, trained, and held in readiness to act on such service as the exigencies of the Government may require.”

And decided as follows:

YEAS—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, John Baker, David Bard, Josiah Bartlett, Burwell Bassett, William W. Bibb, William Blackledge, Harmanus Bleecker, Thomas Blount, Adam Boyd, James Breckenridge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Martin Chittenden, James Cochran, John Clopton, Thomas B. Cooke, Lewis Condit, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, James Emott, William Findley, James Fisk, Asa Fitch, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Ohed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Peter Little, Robert Le Roy Livingston, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Thomas Newton, Stephen Ormsby, William Paulding, jr., Joseph Pearson, Israel Pickens, William Piper, Timothy Pitkin, jr., Benjamin Pond, Peter B. Porter, Josiah Quincy, William Reed, Henry M. Ridgely, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, Daniel Sheffey, John Smilie, George Smith, Silas Stow, William Strong, George Sullivan, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, George M. Troup, Charles Turner, jr., Pierre Van Cortlandt, jr., Leonard White, Robert Whitehill, David R. Williams, William Widgery, Thos. Wilson, Richard Winn and Robert Wright—113.

NAYS—Abijah Bigelow, Elijah Brigham, Epaphroditus Champion, John Davenport, jr., William Ely, Edwin Gray, Richard Jackson, jr., Lyman Law, Joseph Lewis, jr., Elisha R. Potter, John Randolph, John Smith, Richard Stanford, Lewis B. Sturges, Samuel Taggart, and Laban Wheaton—16.

The question was next taken on the fourth resolution, in the following words:

“That the President be authorized to order out from

time to time such detachments of the militia, as in his opinion the public service may require."

And decided as follows:

NAYS—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, John Baker, David Bard, Josiah Bartlett, Burwell Bassett, William W. Bibb, William Blackledge, Harmanus Bleecker, Thomas Blount, Adam Boyd, James Breckenridge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Martin Chittenden, James Cochran, John Clopton, Thomas B. Cooke, Lewis Condit, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, James Emott, William Findley, James Fisk, Asa Fitch, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Joseph Lewis, jr., Peter Little, Robert Le Roy Livingston, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Thomas Newton, Stephen Ormsby, William Paulding, jr., Joseph Pearson, Israel Pickens, William Piper, Timothy Pitkin, jr., Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, Daniel Sheffey, John Smilie, George Smith, John Smith, Richard Stanford, William Strong, George Sullivan, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, George M. Troup, Charles Turner, jr., Pierre Van Cortlandt, jr., Laban Wheaton, Leonard White, Robert Whitehill, David R. Williams, William Widgery, Thomas Wilson, Richard Winn, and Robert Wright—120.

NAYS—Abijah Bigelow, Elijah Brigham, Epaphroditus Champion, John Davenport, jr., Richard Jackson, jr., Lyman Law, Lewis B. Sturges, and Samuel Taggart—8.

The question was then taken on the fifth resolution, in the words following:

"That all the vessels not now in service belonging to the Navy, and worthy of repair, be immediately fitted up and put in commission."

And carried, as follows:

YEAS—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, John Baker, David Bard, Josiah Bartlett, Burwell Bassett, Abijah Bigelow, William Blackledge, Harmanus Bleecker, Thomas Blount, James Breckenridge, Elijah Brigham, William A. Burwell, William Butler, John Calhoun, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, James Cochran, John Clopton, Thomas B. Cooke, Lewis Condit, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Ely, James Emott, William Findley, Asa Fitch, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett

Hawes, John M. Hyneman, Richard Jackson, junior, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Lyman Law, Joseph Lefever, Peter Little, Robert Le Roy Livingston, William Lowndes, Aaron Lyle, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Thomas Newton, Stephen Ormsby, William Paulding, jr., Joseph Pearson, Israel Pickens, William Piper, Timothy Pitkin, jr., Benjamin Pond, Peter B. Porter, Josiah Quincy, William Reed, Henry M. Ridgely, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, George Smith, John Smith, William Strong, Lewis B. Sturges, George Sullivan, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, George M. Troup, Charles Turner, jr., Pierre Van Cortlandt, jr., Laban Wheaton, Leonard White, William Widgery, Thomas Wilson, Richard Winn, and Robert Wright—111.

NAYS—William W. Bibb, Adam Boyd, Robert Brown, Edwin Gray, Jacob Hufty, Joseph Lewis, jr., Nathaniel Macon, Elisha R. Potter, John Randolph, William Rodman, Daniel Sheffey, John Smilie, Richard Stanford, Robert Whitehill, and David R. Williams—15.

The question was put from the Chair on the sixth resolution, in these words:

"6. That it is expedient to permit our merchant vessels, owned exclusively by resident citizens, and commanded and navigated solely by citizens, to arm under proper regulations, to be prescribed by law, in self-defence, against all unlawful proceedings towards them on the high seas."

When the resolution was, on motion, ordered to lie on the table.

The three first resolutions, for filling up the present establishment, for raising an additional number of regulars, and authorizing the acceptance of volunteers' services, were referred to the committee who reported them, with instructions to bring in bills in pursuance thereof.

TUESDAY, December 17.

MR. MORROW, from the Committee on Public Lands, presented a bill directing the terms on which lands sold at private sale, and that revert for a failure in payment, shall again be sold; which was twice read and committed.

The following is the bill:

Be it enacted, &c., That no tract or tracts of the reserved sections or other public lands of the United States, that have been or may hereafter be sold at public sale, and which may have, or shall, on account of failure to complete the payment of the purchase money, revert to the United States, shall hereafter be sold at private sale, at a price less than that for which the same tract was sold at public sale.

MR. WILLIAMS, from the committee appointed on that part of the President's Message which relates to filling the ranks and prolonging the enlistment of the regular troops, and to an auxiliary force, to the acceptance of volunteer corps, to detachments of militia, and to such a preparation of the great body of militia, as will proportion

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its usefulness to its intrinsic capacity, asked and obtained leave to lay on the table all the documents obtained by that committee from the War Department on the subject submitted to their consideration.—Referred to the Committee of Foreign Relations.

Mr. NEWTON reported a bill to deprive in certain cases ships or vessels of their American character, and to prevent, under certain disabilities, any citizen of the United States from taking a license from any foreign Power to navigate the ocean, or trade with any other foreign Power.—Twice read and committed.

Mr. NEWTON also reported a bill to prevent the exportation from the United States, or Territories thereof, of any goods, wares, or merchandise, under the authority of permits or licenses derived from any foreign Power; which was twice read, and committed.

Mr. MORROW reported a bill for the revision of former confirmations, and for confirming certain claims to land in the district of Kaskaskia, which was twice read, and committed. This bill was accompanied by a detailed report, which was committed to the same committee.

The bill from the Senate for completing the existing Military Establishment was twice read, and committed.

The House then proceeded, on motion of Mr. BLACKLEDGE, to consider the resolution submitted by him on the 13th, which was modified so as to read as follows:

Resolved, That the President of the United States be requested to cause to be prepared and laid before the House a system of rules and regulations proper to be adopted for training and disciplining the regular troops and militia of the United States."

The resolution was agreed to, and Messrs. BLACKLEDGE and LIVINGSTON appointed a committee to present the same to the President.

Mr. POINDEXTER, from the committee appointed on the 13th ultimo, on the petition of the Legislature of the Mississippi Territory, made a detailed report, which was read; when a motion was made by Mr. WILLIAMS, that the report be recommitted to the committee that reported it; which was agreed to.

Mr. POINDEXTER, from the same committee, presented a bill to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States; which was read twice, and committed to a Committee of the Whole on Monday next.

The House proceeded to consider the report of the committee of conference on the apportionment bill; when, on motion of Mr. RANDOLPH, the further consideration thereof was postponed to to-morrow.

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Mr. POINDEXTER, from the committee to whom the said report was committed, reported the same with an amendment; which was read, and referred to the Committee of the Whole on Monday next. The report is as follows:

The committee, to whom was referred the memorial of the Legislative Council and House of Representatives of the Mississippi Territory, and the petition of sundry citizens thereof, praying to be admitted into the Union of the United States on an equal footing with the original States; and also the petition of the inhabitants of West Florida, setting forth their desire to be annexed to said Territory, for reasons therein contained, have had these subjects under consideration, and beg leave to submit the following report:

That there has existed in the Mississippi Territory a temporary government, founded on the ordinance for the government of the Territory Northwest of the river Ohio, since the eleventh day of April, one thousand seven hundred and ninety-eight. That, although this ordinance has undergone some modifications, extending, in a limited degree, the rights and privileges of the citizens, it still contains provisions incompatible with political liberty, and unfavorable to a due and impartial administration of justice, in the redress of private wrongs and injuries. The Chief Executive Magistrate is charged with the execution of the laws; is commander-in-chief of the militia; has the sole power of appointment to offices, civil and military, within the Territory, and the removal of these officers at pleasure; is vested with an unqualified veto on all bills passed by the other co-ordinate branches of the Legislature; and is, moreover, clothed with the odious and arbitrary authority to prorogue and dissolve the General Assembly whenever, in his opinion, it shall be expedient. These high and regal prerogatives, constituting some of the most obvious characteristics which distinguish an absolute monarchy from the constitution of a free State, are confided to the discretionary exercise of a Governor, who is neither chosen by, nor responsible to, the people. He is often a total stranger to the local interests and circumstances of the country over which he possesses such unlimited control, and is accountable only for malconduct or corruption in office to the President of the United States. The only security which exists against the frequent and wanton abuse of these powers is to be found in the mild and conciliatory disposition uniformly manifested by the General Government towards its Territories. But experience has shown that, in all colonial governments, officers situated at a remote distance from the tribunal to which they are responsible, too frequently "feel power and forget right;" and, by eluding the vigilance of rigid investigation, are enabled to practise acts of oppression with impunity.

Your committee forbear to enter minutely into an examination of the various objections which might be urged against the present system of Territorial governments.

The above summary of Executive powers, so opposite in their nature to those principles which form the basis of the Federal Constitution, and which are transused through the constitution of the several States, is sufficient to show that the people are deprived of all participation in the choice of those who administer the laws, and that public functionaries are rendered independent of the community whose interests are confided to their management and discretion. These restrictions on the rights of the people can be justified only by the most evident necessity, resulting from peculiar and unavoidable circumstances. Your committee, therefore, consider it an act both of strict justice and sound policy to advance the respective Territories of the United States to the grade of a separate commonwealth, whenever they shall contain the number of in-

habitants necessary to entitle them, under the ratio established by law, to a Representative in the Congress of the United States. On the subject of population, there exists no difficulty, whether the Territory be taken in connexion with West Florida or with its present limits. From the official returns of the census, taken during the summer of the past year, it appears that there were, in the Mississippi Territory, the number of forty thousand three hundred and fifty-two souls. This enumeration, it is alleged, fell considerably short of the actual population of the Territory at that time; and, without casting the most remote censure on the officers who were employed in that service, such a suggestion is strongly supported by the vast extent of country over which the settlements are dispersed. It also appears to your committee that the progressive emigration from the old States to this section of the Union, added to the length of time which it will require to form a constitution, and put the same in operation, afford satisfactory pledges that, anterior to the final admission of the Territory to the rights of State sovereignty, the number of its inhabitants will amount to at least sixty thousand, whereby they will possess the unqualified right, in conformity with articles of cession and agreement between the United States and Georgia, to be admitted into the Union on an equal footing with the original States.

This view of the subject is presented without reference to the augmentation of population, which would result from the annexation of West Florida; in that event the number of souls in the Territory, exclusive of the county of Madison, which lies near the Great Bend of Tennessee river, may be estimated at about eighty thousand; and, from the geographical situation of the Territories belonging to the United States south of the State of Tennessee, and north of the Iberville and the lakes, your committee feel satisfied that an alteration of limits, so as to include the whole population between the Yazoo and the Iberville, where they unite with the river Mississippi, and from these points, respectively, east, to the boundary line of the State of Georgia, would greatly contribute to the future convenience and prosperity of the people who reside in that country.

At a very early period after the treaty of 1763, between France and Great Britain, by which the latter became possessed of the Floridas, the jurisdiction of the province of West Florida was extended north, by a line drawn from the mouth of the Yazoo, due east, to the river Chatahouchy. The Government of Spain, also, when that Power succeeded to the possession of the country, by conquest, in the year 1781, continued to exercise authority over it in the same extent which the British Government had previously done, until, by the treaty concluded between the United States and Spain, on the 27th day of October, 1795, the southern boundary of the United States was declared to extend to the thirty-first degree of north latitude. The Government of the United States, by the treaty of 1803, with France, having acquired Louisiana in the extent that France then held it, and that it had in the hands of Spain, prior to the Treaty of St. Ildefonso, there does not seem to be a reasonable doubt as to the claim of the United States to the country east of the Mississippi, as far as the river Perdido, which lies between Mobile and Pensacola.

Your committee, therefore, conceive that, inasmuch as the entire tract of country formerly possessed by Great Britain, under the name of West Florida, and

subsequently transferred to Spain, as forming a part of Louisiana, has fallen under the dominion of the United States, it ought, in strict propriety, to be restored to its ancient limits, as the measure corresponds with the wishes, and is calculated to promote the permanent welfare of the people whose interests are immediately concerned. It is assuredly the incumbent duty of the General Government to make such a partition of its Territories on the waters of the Mississippi, as will combine with local advantages a due regard to national policy. These essential objects cannot, in the opinion of your committee, be secured without a suitable division of the seacoast, acquired by the purchase of Louisiana. It must be obvious, that, to confer on the State to be formed of the Territory of Orleans, the whole extent of seaboard from the river Perdido to the Sabine bay, would give to it an influence over the commerce of the Western country which might be productive of the most mischievous consequences; for, although the legislative authority of the State could impose no tax or duty on articles exported from any other State, yet there are many important regulations which would materially affect the navigation of the numerous rivers flowing through this country into the Gulf of Mexico, falling within the legitimate range of State powers; among these may be enumerated the incorporation of navigation companies, and appropriations of the public revenue for the purpose of opening canals. Thus, by affording every facility to the trade passing down the river Mississippi to New Orleans, and by interposing vexatious obstructions to the commerce of those rivers emptying into the Bay of Mobile and the lakes, that city will become the emporium of all the bulky articles of agriculture, which constitute, in time of peace, the great export trade of the Western States and Territories. The direct tendency of such a monopoly, would be to raise the commercial importance of New Orleans, at the sacrifice of the best interests of those who inhabit the vast, fertile, and extensive region watered by the Tennessee, the Tombigbee, and Alabama rivers, and their tributary streams, besides many other important rivers, affording outlets through the Mississippi Territory into the Lakes Manrepas and Pontchartrain. To guard against these contingencies, and to unite a people whose language, manners, principles, and usages are assimilated, your committee recommend that all that tract of country, of which possession has been taken by virtue of the President's proclamation, bearing date the 27th day of October, 1810, be added to the State to be formed of the Mississippi Territory, whenever the same shall be admitted into the Union as such.

Your committee cannot forbear to express their decided opinion, that, where no Constitutional difficulty occurs, the formation of new States on the southern extremity of the United States ought not to be delayed. To bind together every portion of the American people by the indissoluble cord of affection, and to perpetuate the integrity of the Union, are considerations paramount to all others which can be presented to the view of the National Legislature.

Let us, therefore, extend to every section of our beloved country a just equality of rights and privileges, that each may enjoy civil, political, and religious liberty, subject to the control of independent local authorities, while the fostering hand of the Federal Government shall protect them in the enjoyment of these blessings from domestic feuds and external violence.

Under these impressions, your committee submit the following resolution:

DECEMBER, 1811.

Naval Establishment.

H. OF R.

Resolved, That it is expedient to admit all that tract of country, bounded north by a line drawn due east from the river Yazoo, where it unites with the Mississippi, to the river Chatahouchy, and down said river to the thirty first degree of latitude; thence, along said degree of latitude, to a point opposite the river Perdido; thence to the confluence of said last mentioned river, with the Gulf of Mexico; and thence, in a direct line through the middle of the Lakes Maurepas and Pontchartrain, to the junction of the Iberville with the river Mississippi, and up said river to the above mentioned river Yazoo, into the Union of the United States, on an equal footing with the original States.

MARITIME DEFENCE.

Mr. CHEVES, from the committee appointed on that part of the President's Message which relates to the naval force of the United States and to the defence of our maritime frontier, made the following report in part:

"The committee to whom was referred so much of the President's Message of the 5th of November, 1811, as relates to the defence of the maritime frontier, report in part, that two communications from the Secretary of War, which accompany this report, which were made in reply to the queries propounded by the committee, contain the best information on the subject which they have been able to collect. That one of them contains an enumeration of the permanent fortifications which have been completed or commenced, with remarks on the troops necessary to garrison them. That, for the completion of works already commenced, no further appropriation is requisite. But that some additional works are deemed necessary, the precise extent of which cannot at present be determined; for which, and for contingent objects of defence on our maritime frontier, in the event of hostilities, the committee recommend an appropriation of one million of dollars; and the committee for that purpose beg leave to report a bill entitled "a bill making further appropriation for the defence of our maritime frontier."

Mr. CHEVES then presented a bill making a further appropriation for the defence of our maritime frontier; which was twice read and committed.

NAVAL ESTABLISHMENT.

Mr. CHEVES, from the committee to whom was referred so much of the President's Message as relates to the Naval Establishment, made the following report:

That the subject referred to your committee in its several relations presents a question of the highest importance to the interests of the people of this country, inasmuch as it embraces one of the great and leading objects of their Government; that which, above all others, laid the foundation of the happy union of these States. Your committee need hardly say they mean the protection of maritime commerce; an interest which, though when superficially viewed, seems to affect only the Atlantic portions of the country, yet really extends as far as the utmost limits of its agriculture, and can only be separated from it, in the opinion of your committee, by a total blindness to the just policy of Government. The important engine of national strength and national security which is formed by a naval force, has hitherto, in the opinion of the committee, been treated with a neglect highly impolitic, or supported by a spirit so languid, as, while it has pre-

served the existence of the establishment, has had the effect of loading it with the imputations of wasteful expense and comparative inefficiency.

No system has hitherto been adopted, which, though limited by the dispensing security of the times, and the just economy of our Republican institutions, was yet calculated to enlarge itself gradually with the progress of the nation's growth in population, in wealth, and in commerce, or expand with an energy proportioned to a crisis of particular danger.

Such a course, impolitic under any circumstances, is the more so when it is demonstrably clear that this nation is inevitably destined to be a naval power, and that the virtue of economy, if no other motive could be found, would recommend a plan by which this force must be gradually increased, the necessary expenses diminished, and durability and permanency given to the strength which they may purchase.

That a naval protection is particularly secured to the interest of commerce by our great political compact, is proved by that part of the Constitution which expressly gave to Congress the power "to provide and maintain a navy," and is confirmed by the history of the times, and the particular circumstances which led to its institution; but it is alike secured by the fundamental nature of all Government, which extends to every interest under its authority a protection (if within the nation's means) which is adequate to its preservation; nor is this protection called for only by the partial interests of a particular description of men or of a particular tract of country. A navy is as necessary to protect the mouths of the Mississippi, the channel through which the produce of the agriculture of the Western States must pass to become valuable, as the bays of the Chesapeake and Delaware, and more necessary than on the shores of the Eastern or the Southern States.

It has, indeed, been urged, your committee are aware, that a Naval Establishment is forbidden by the great and burdensome expenditures of public money which, it is said, will be required to support it, and by the inability of the country, by any expenditure to maintain a navy which can protect its maritime rights against the power of Great Britain. The first objection appears to your committee to be founded on a mistaken assumption of the fact; for in their opinion a naval force within due limits and under proper regulations will constitute the cheapest defence of the nation.

The permanent fortifications necessary to the defence of the ports and harbors of the Union will cost, in the opinion of your committee, as much annually, if properly provided and garrisoned, as the naval force which, it is confidently believed, on the testimony of persons competent to decide, would be amply sufficient to prevent all attacks from reaching our shores. It will thus furnish the most appropriate, adequate, and cheap protection against a foreign enemy, and will at the same time be perfectly innoxious to the public liberty and the private morals of the country; dispense almost entirely with a standing army, so hostile to the genius of our free institutions, and remove the standing vices and evils of camps and garrisons from the cities on our seacoast; cherish a noble body of mariners, who in honorable peace will spread the sails of a prosperous and vivifying commerce on every sea, and in necessary war terribly avenge their country's wrongs.

The other objection your committee suppose to be founded on an imperfect examination of the subject; for those who are best able to form opinions on this matter, from congenial professional pursuits, as well

as a particular knowledge of the marine of Great Britain, declare that she cannot, at any time, spare more than a very limited force for the American station: one which can be effectually resisted by an establishment which may be supported by this Government without a great direct expense, while in its effects it will greatly more than reimburse to the national wealth, the sums which may be drawn from it for this object; protect our harbors from insult, our coasting trade from spoliations, and give us the dominion of a sea on our borders which we ought to call our own, and defend with our cannon.

To detail all the reasons on which this opinion is founded, would, perhaps, not be in the power of your committee, who are in part governed by the opinions of men of experience and professional skill, (often among the best grounds of human faith, but not always equally communicable;) but the leading facts and principles on which it is founded, are too plain and obvious to labor under this difficulty. The history of all times proves the inability of Great Britain or any other Power to station a large force in remote seas; for, independent of the necessity which always exists for its presence in more proximate quarters, could the former nation place the whole of her thousand ships on our coast, she would be unable, in a state of hostility with the United States, competently to supply even a considerable squadron of them, for any duration of time, with the least regard to the efficiency of the service, and without a wasteful and ruinous expense: let those who hold a different opinion declare how and from whence!

To the defence of your ports and harbors and the protection of your coasting trade should be confined, in the opinion of your committee, the present objects and operations of any navy which the United States can or ought to have. In this view our advantages are great and manifest. Looking along our extended line of coast, from the northeastern to the southern extreme of our territory, we discover in quick succession ports and harbors furnishing in abundance every supply for active and constant service; in which to concentrate by mutual advice and information, which can be transmitted with the greatest certainty and speed, the forces of different stations, to attack the enemy in detail when his vessels may be scattered; and in which our ships may find refuge and security when approached by a force so much superior as to forbid a combat. To enter no further into details, it is obvious that, from these advantages, the power and efficiency of an American Navy must be double its nominal proportion to that of an assailing enemy. But your committee beg leave to observe, that it would be unworthy the magnanimity of the nation to look only at one Power, and forget that it stands in the relation of an independent sovereignty to other nations, against whom, unless man change his nature and cease to be violent and unjust, it may be necessary to array the national force on that element where the injury may be suffered and where alone it can be avenged or redressed. With this view your committee have not considered this subject with regard only to the practicable and advisable preparation for the present momentous crisis, which, whatever it may be, must be greatly inadequate, for the reasons already stated; but the object of the committee is to recommend a system which shall look to futurity, and though limited by the present situation and means of the country, have a capacity to be enlarged in proportion to the growing wealth, commerce, and population

of the nation. Your committee are, at the same time, not unaware that some of those who are unfriendly to a navy, ground their opposition rather upon its future permanent establishment, than on its present expense. But your committee will only observe, that the wisdom of that policy seems to reach as far beyond reasonable practicable views, as it will probably fall short of the attainment of its object. To restrain the great energies of such a number, as this country possesses, of the best seamen the world ever beheld, and such a mass of tonnage as Great Britain herself has not boasted more than twenty years, will as much transcend the feeble efforts of the politician as it would be beyond his power to create them; they are formed by the high behest of beneficent nature, nurtured by our wise, free and happy, public institutions, and can only perish with the latter.

Your committee, however, admit, that it will neither be politic nor practicable to swell the Naval Establishment of this country to the size of our desires or of our necessities; but a gradual increase of it is, in their opinion, within the most limited means, and within the obvious policy of our Government, and in attempting this some present addition will be made (too little—much too little, they lament) to the best strength of the nation, and as a measure of preparation for this crisis of danger.

With these observations, and with a full, detailed, and useful report of the Secretary of the Navy, in reply to questions propounded by your committee, they beg leave to recommend, that all the vessels of war of the United States, not now in service, which are worthy of repair, be immediately repaired, fitted out, and put into actual service:

That ten additional frigates, averaging thirty-eight guns, be built; that a competent sum of money be appropriated for the purchase of a stock of timber, and that a dock, for repairing the vessels of war of the United States, be established in some central and convenient place.

They also beg leave to report a bill, entitled "A bill concerning the Naval Establishment."

Mr. CHEVES then presented a bill concerning the Naval Establishment; which was twice read and committed.

FOREIGN RELATIONS.

The House resumed the consideration of the unfinished business.

The fifth resolution, yesterday adopted, respecting the Navy, was referred to the Committee of the Whole, to whom was this day committed the bill concerning the Naval Establishment; and the fourth, respecting authorizing the Executive to call out detachments of militia, was referred to the Committee of Foreign Relations to report a bill.

The House then proceeded to consider the sixth and last resolution reported by the committee, in the following words:

"6. That it is expedient to permit our merchant vessels, owned exclusively by resident citizens, and commanded and navigated solely by citizens, to arm under proper regulations, to be prescribed by law, in self-defence, against all unlawful proceedings towards them on the high seas."

Mr. WRIGHT moved to amend the resolution, by adding thereto the following:

DECEMBER, 1811.

Battle on the Wabash—Apportionment Bill.

H. OF R.

"And that if attacked by any British ship or vessel, it shall be lawful to capture and bring such ship or vessel into any port of the United States for adjudication."

Mr. FINDLEY moved to postpone the further consideration of the resolution and amendment to the first Monday in March next.

After debate on these motions, the House adjourned without coming to a decision on either.

WEDNESDAY, December 18.

Mr. RHEA presented petitions from Louisiana Territory, in favor of the second grade of Government.—Referred.

The consideration of the unfinished business of yesterday, respecting arming merchantmen, &c., was called for; when it was, on motion of Mr. RANDOLPH, ordered to lie on the table.

Mr. PORTER, from the Committee on Foreign Relations, to whom was committed the bill from the Senate, "completing the existing Military Establishment," reported the same without amendment.—Committed to a Committee of the Whole to-morrow.

On motion of Mr. JENNINGS, the Committee on the Public Lands were instructed to inquire into the expediency of establishing another district, for the disposal of the public lands, by a division of the district of Kaskaskia; to report by bill or otherwise.

Mr. MACON, from the Committee of Ways and Means, presented a bill allowing additional compensation to the Postmaster General; which was read twice, and committed to the Committee of the Whole on the bill to continue in force, for a further time, the act fixing the salaries of certain officers of Government therein mentioned.

BATTLE ON THE WABASH.

Mr. ORMSBY moved the following resolution:

Resolved, That a committee be appointed to inquire whether any, and if any, what provision ought to be made by law for paying the officers and soldiers of the militia who served under Governor Harrison, in the late expedition against the Indians on the Wabash, to compensate them for the loss of horses, and for the relief of the widows and orphans of those who fell in the action of the seventh of November last; and that they have leave to report by bill or otherwise.

The said resolution was read, and ordered to lie on the table.

Mr. MCKEE moved the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before this House such information as may be in the possession of the Government, and proper to be communicated, on the following points:

1. Any evidence tending to show whether any and what agency the subjects, either public or private, of any foreign Power, may have had in exciting the Indians on the Western frontier to hostility against the United States;

2. The evidence of hostility towards the United States, on the part of the Shawnee Prophet and his adherents, anterior to the commencement of the late campaign against them, under the command of Governor Harrison;

3. The orders and authority vested in Governor Harrison by the United States, under which the late expedition against the Indians was carried on; and such other information relating to the subject, as, in the opinion of the President, may be proper to be communicated to this House.

The resolution was read, and ordered to lie on the table.

APPORTIONMENT BILL.

The House resumed the consideration of the report of the committee of conference made on the 11th instant, together with the message from the Senate adhering to their amendments to the bill on this subject.

A motion was made by Mr. RANDOLPH, to refer the bill and report to a Committee of the Whole, and negatived.

A motion was then made by Mr. FISK, that this House do recede from their disagreement to the amendment of the Senate.

After much debate, the question was determined in the affirmative—yeas 72, nays 62, as follows

YEAS—William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, Josiah Bartlett, William B. Bibb, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, jr., Roger Davis, Samuel Dinsmoor, William Ely, James Emott, William Findley, James Fisk, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, John M. Hyneman, Richard Jackson, junior, Joseph Kent, Philip B. Key, Lyman Law, Peter Little, Robert Le Roy Livingston, Aaron Lyle, Alexander McKim, Arunah Metcalf, James Milnor, Sam'l L. Mitchell, Jonathan O. Moseley, William Paulding, jr., William Piper, Timothy Pitkin, jr., Ben'j Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, William Reed, Henry M. Ridgely, Samuel Ringgold, William Rodman, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, Silas Stow, William Strong, Lewis B. Sturges, George Sullivan, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, Charles Turner, jr., Pierre Van Cortlandt, jr., Laban Wheaton, Leonard White, William Widgery, and Robert Wright.

NAYS—Willis Alston, jr., John Baker, David Bard, Burwell Bassett, William Blackledge, Thomas Blount, James Breckenridge, Robert Brown, William A. Burwell, Wm. Butler, John C. Calhoun, Langdon Cheves, James Cochran, John Clopton, Lewis Condit, William Crawford, John Dawson, Joseph Desha, Elias Earle, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Edwin Gray, Felix Grundy, Aylett Hawes, Jacob Hufty, Richard M. Johnson, William R. King, Abner Lacoek, Joseph Lefever, Joseph Lewis, junior, William Lowndes, Nathaniel Macon, George C. Maxwell, Thos. Moore, Archibald McBryde, William McCoy, Samuel McKee, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Joseph Pearson, Israel Pickens, James Pleasants, jr., John Randolph, John Rhea, John Roane, Jonathan Roberts, John Sevier, Daniel Sheffey, John Smith, Richard Stanford, Philip Stuart, George M. Troup, Robert Whitehill, David R. Williams, Thomas Wilson, and Richard Winn.

So the House agreed to recede from their disa-

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greement to the Senate's amendment, which of course prevails, and the ratio is fixed at 35,000.

THURSDAY, December 19.

Mr. BAKER presented two petitions of sundry inhabitants of the city and county of Washington, praying that the act of the State of Maryland, laying a tax on marriage licenses of four dollars may be revived in Washington county, in the District of Columbia, and that the money thus collected may be applied to the use of schools.—Referred to the Committee for the District of Columbia.

The SPEAKER laid before the House a resolution of the Legislature of the State of Vermont, ratifying and confirming an amendment proposed by Congress to the Constitution of the United States, concerning the acceptance of titles of nobility from foreign Powers, by citizens of the United States.

Mr. POINDEXTER moved the following resolution :

Resolved, That a committee be appointed to inquire into the conduct of Harry Toulmin, Judge of the District of Washington, in the Mississippi Territory, and report whether, in their opinion, he has so acted, in his official capacity, as to require the interposition of the Constitutional powers of this House ; and that said committee have power to send for persons and papers.

The resolution was read, and ordered to lie on the table.

Mr. RHEA presented a resolution of the Legislature of the State of Tennessee, disapproving of the amendment proposed by Massachusetts to the Constitution of the United States, limiting the duration of any act laying an embargo within the United States; disapproving of the amendment proposed by Virginia to the said Constitution, respecting a removal from office of the Senators of the United States; disapproving of the amendment proposed by Pennsylvania to the said Constitution; for the erection of a tribunal to determine controversies between the General and State Governments; and approving of the amendment proposed by Congress to the said Constitution, concerning the acceptance of titles of nobility by citizens of the United States from foreign Powers.

A Message was received from the President of the United States, transmitting two letters received from Governor Harrison, of the Indiana Territory, reporting the particulars of the issue of the expedition under his command on the Wabash. The Message and letters were read, and referred to Mr. McKEE, Mr. SEVIER, Mr. BRECKENRIDGE, Mr. MORROW, Mr. ALSTON, Mr. LEFEVER, and Mr. MAXWELL, to consider and report thereon to the House.

The House proceeded to consider the report of the Committee on the Public Lands, made the 26th ultimo; and the resolutions therein contained were specially concurred in by the House, as follows :

Resolved, That provision ought to be made by law for the appointment of commissioners, on the part of the United States, to act with such commissioners

as the Commonwealth of Virginia may appoint, to ascertain, and finally determine and fix the Western boundary line of the Virginia military tract, according to the true intent and meaning of the condition of the deed of cession from Virginia to the United States, touching the military reservation between the rivers Scioto and Little Miami.

Resolved, That provision ought to be made by law to prevent the issuing of patents on surveys executed in virtue of Virginia military warrants, west of the boundary line designated by the act of Congress of the 23d March, one thousand eight hundred and four.

Resolved, That, in the event of the said existing boundary line being found by the said commissioners to exclude lands belonging to the Virginia military tract, the said commissioners shall ascertain the quantity and quality of the land so excluded, and shall have power to locate other unappropriated lands equal in quantity and quality ; which lands shall be liable to location under Virginia military land warrants, from and after the — day of —.

Ordered, That a bill be brought in, pursuant to the said resolutions; and that the Committee on the Public Lands do prepare and bring in the same.

On motion by Mr. BURWELL,

Resolved, That the President of the United States be requested to cause to be laid before this House, by the proper officers, a statement of the capital employed in the Indian trade ; the amount of annual purchases, sales, and articles, received in payment ; together with the number, names, and salaries, of agents employed, the places where stationed, and specifying, as far as practicable, the state of the trade at each place for the last four years.

MESSRS. BURWELL and BLEECKER were appointed a committee to present the said resolution to the President.

FOREIGN RELATIONS.

The House resumed the consideration of the sixth resolution, reported by the Committee of Foreign Relations, in the following words :

" 6. That it is expedient to permit our merchant vessels, owned exclusively by resident citizens, to arm, under proper regulations, to be prescribed by law, in self-defence, against all unlawful proceedings towards them on the high seas."

Mr. FINDLEY withdrew his motion to postpone the same to the first Monday in March.

Mr. WRIGHT withdrew the amendment he had proposed, and moved to strike out these words : " in self-defence against all unlawful proceedings against them on the high seas."

Mr. ARCHER.—The sixth resolution of the Committee of Foreign Relations being now on its passage, I must express my sorrow that I am compelled to obtrude my humble observations upon the fatigued patience of the House, and the more exhausted patience of the nation. As I shall vote against the resolution, I feel it to be my indispensable duty to detail to the House the reasons by which my vote shall be actuated. Many honorable members may, perhaps, conceive that it would be more proper for me to reserve my remarks for the bill, when it shall be reported ; but, sir, I have ever held it to be my sacred duty to

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oppose, even in its incipient state, every measure which may be hostile to the rights, or dangerous to the interests of my country, lest, by not seeming to oppose, my conduct should be construed into an encouragement of such a measure.

For what purpose, sir, let me ask, have we adopted the resolution preceding this? Was it for the purpose of destroying the Government? Was it that the members of that Army should sheath their swords in the bowels of the liberties of their country? Who will impute to this body so disgraceful a motive? Are you about to raise a standing army, not for the purpose of making preparations for war, but with a view of intimidating Great Britain to recede from her unjust infractions of our neutral rights? Do not think that she will be intimidated by any preparations which you can make, however formidable they may be. She knows, too well, your conduct heretofore, to believe you are in earnest. She knows that, many years ago, you resolved to resist, but that this honorable determination terminated in an empty resolution. She knows, too well, that you have been, heretofore, prodigal in words, and parsimonious in spirited action. I do not set myself up for a prophet; but, mark me, if it be not true, that Great Britain will not do you justice till you carry the war out of this hall into the heart of her colonial territories.

Under the firmest conviction, then, as I am, that war between the United States and Great Britain—if we have any respect for our honor as a nation—will be an event of inevitable consequence, I have in vain searched for the reasons which would induce us to authorize our merchant vessels to arm against all unlawful molestations on the high seas. As the resolution is, in its nature, general, every man must see, on the contrary, the dangers necessarily attendant upon the adoption of such a measure. You are now on the very verge of war, and you should, therefore, be careful not to multiply your enemies. You may, by passing this resolution, make France your enemy. You may enlist Denmark and other Powers of Europe against you. This is an event which would be deeply deprecated; and, that it should happen, is nothing improbable; for your merchants, armed as they will be, in defence of their commerce, may select the nation who is to be your enemy. If they are molested in their commerce, whether lawful or unlawful, they will be disposed to resist. At any rate, they will be the judges of the juncture when their interests may call for the interposition of force, and will exercise that force according to their own whims and caprices. They sail on the ocean clothed with national authority, and for their actions, whether lawful or unlawful, you will be compelled to answer. Sir, I respect the highly honorable occupation of a merchant, but am not disposed to carry that respect so far as to give my sanction to the adoption of a measure which may jeopardize the peace, and endanger the interests of my country. If this resolution were to authorize an arming against Great Britain alone, this argument would have no effect; but as it has a view to a

general arming against all nations, this reasoning is conclusive on my mind, and must operate in the same way upon all men who will give the subject a dispassionate consideration. The consequences of such a measure, are plain and obvious. Now, let us examine whether there exists any reason sufficiently powerful to outweigh these considerations.

What is the object, and the only one too, as stated by the honorable chairman of the Committee of Foreign Relations, (Mr. PORTER,) for the adoption of this measure? Your vessels will be armed and prepared for privateering the moment war shall be declared. Why, sir, do you think the merchants will believe that you really intend to go to war? And, if they doubt upon this subject, do you suppose they will be so regardless of their own interests as to expend their capital in fitting out privateers, when no absolute certainty exists that war is your object, or your serious intention? It would, certainly, be an object of no inconsiderable moment to have privateers prepared to harass and disturb the commerce of Great Britain in the event of war. If this be your object, you are taking a very improper course to obtain it. If such be your object, take some decided and energetic step which will convince even the incredulous that you will resort to the sword to obtain justice, and your end will soon be effected. But, do not depress the hopes of the nation by sanctioning this tame, imbecile, and temporizing system.

What is the spirit that breathes in the five resolutions which have been adopted—resolutions which were in entire accordance with my feelings? Is it not a spirit of war? Do they not bear a hostile aspect? Are they not calculated to induce Great Britain to believe that forbearance on our part has terminated, and that we are resolved, unless she speedily extend to us full and ample justice, to decide the contest by the sword? Have you anything to hope, by operating upon the minds of the rulers of that nation, a conviction that you are boasting no longer? If you do entertain such a hope, I pray you, do not adopt this measure—a measure which will show her the fluctuation of our opinions, and the repugnancy of our plans; a measure which will lull to sleep her fears of war, and convince her not only of your indecision, but of your timidity to unsheath your sword in defence of rights clear and undisputed, and in avenging injuries too glaring for the dignity and honor of a nation to submit to. Are the wishes of this nation to be unattended to? Ought we not to relieve its anxieties? Or, are we to tantalize their hopes with energy in one law and imbecility in another? Are the merchants to be told we will protect their commerce? By what? By granting them a right which nature has already given to them? Is commerce to be protected by abridging the natural rights of the people? Is this measure no abridgement of their rights? Does it not confine the legality of arming to resident citizens alone? Look at the measure as you please, it is a dead letter. Is this the period of

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all others to be selected to incorporate unmeaning laws in the body of your statute book? Do not satirize, by such an act, the manly sensibility of the people. Do not paralyze the national arm. No; let us do justice to the nation by the adoption of such measures as will renovate the depressed spirits of our constituents; which will prevent them from falling into that destructive and deadly languor which this resolution is calculated to produce.

Mr. Speaker, permit me to address my sentiments plainly to you. The people are becoming tired of the indecision of this body. They have read many a fine and gaudy speech which has been delivered in this hall, and let me say, too, that they have seen much of bad voting. It is high time to throw off a temporizing policy, and to take a decided and energetic stand—no arming of merchantmen without the privilege of making reprisals, and reprisals from that Power too, *specifically*, that oppresses you. Had my worthy colleague (Mr. WRIGHT) not withdrawn his amendment, I would have given it my sanction. I admit it would have been an act of war, and for that reason I would have voted for it; for, in our present situation, it is impossible to obtain enlistments without the adoption of some such measure.

Instead, sir, of this resolution, I seriously think that policy dictates to us to lay an embargo on our vessels for a limited time. Not an embargo of coercion on foreign Powers, but an embargo for the preservation of our property which is now afloat on the surface of the ocean. It would prevent those innumerable bankruptcies which would be immediately consequent on a declaration of war in all your mercantile towns; bankruptcies which are not only injurious to the bankrupts themselves, but deadly to the resources of the nation, for the wealth of a nation should always be graduated by the wealth of its citizens. Your merchants are now sailing in every sea with the productions of your soil. We shall have to contend with the most formidable naval Power in the world, and the moment war is declared your commerce will be swept from the surface of the deep. We should gather in our merchant ships. We should, in truth, sir, act like provident husbandmen. Let us, therefore, go into our unprotected fields, cut down our harvest, and remove it to places of security, that our enemies and not ourselves may be the gleaners in the field.

If, sir, the resolution now under consideration should be adopted, the whole system will form a strange picture. You may touch it with the master-pencil of a Rubens, it will still be a homely picture, incongruous in its parts, and in the whole ungraceful. It does appear to me to be a perfect anomaly, a measure which can be classed under neither the general head of peace or war. The Lacedemonians, it is said, put to death all deformed infants. I trust this House will be endued with a Lacedemonian spirit which will crush this creature in the deformity of its birth, and that it will not be suffered to hang a dead weight on the nation. Thus, sir, have I

offered to you a few of the reasons which operate upon my mind, and which will induce me to vote against the resolution. I have done so to prevent a misconstruction of my motives, and that my reasons may go with my vote to my constituents. I should have placed my views in a clearer light upon this subject to the House, but the embarrassments inseparable from one who is unaccustomed to address deliberative assemblies, have prevented me from doing to the subject that justice which it merits.

The question was now taken, and decided as follows:

YEAS—Willis Alston, jun., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, Josiah Bartlett, William W. Bibb, William A. Burwell, William Butler, John Clopton, William Crawford, Roger Davis, Joseph Desha, Samuel Dinsmoor, Thomas Gholson, Peterson Goodwyn, Felix Grundy, Bolling Hall, Aylett Hawes, John M. Hyneman, R. M. Johnson, Joseph Kent, William R. King, Peter Little, Andrew Lyle, William McCoy, Samuel McKee, Alexander McKim, Samuel L. Mitchell, James Morgan, Anthony New, Stephen Ormsby, James Pleasants, jun., Peter B. Porter, Josiah Quincy, William Reed, Samuel Ringgold, John Rhea, John Roane, John Sevier, George Smith, George M. Troup, Robt. Whitehill, David R. Williams, and Robert Wright—46.

NAYS—John Baker, Abijah Bigelow, Wm. Blackledge, Harmanus Bleecker, Thomas Blount, Adam Boyd, James Breckenridge, Elijah Brigham, Robert Brown, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, James Cochran, Thomas B. Cooke, Lewis Condit, John Davenport, jr., John Dawson, William Ely, William Findley, James Fisk, Asa Fitch, Meshack Franklin, Thos. R. Gold, Charles Goldsborough, Isaiah L. Green, Obed Hall, John A. Harper, Jacob Hufty, Richard Jackson, jun., Abner Laccock, Lyman Law, Joseph Lefever, Joseph Lewis, junior, Robert Le Roy Livingston, William Lowndes, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, Arunah Metcalf, James Milnor, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Thomas Newton, William Paulding, junior, Joseph Pearson, Israel Pickens, William Piper, Timothy Pitkin, junior, Benjamin Pond, Elisha R. Potter, Henry M. Ridgely, Jonathan Roberts, William Rodman, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, Daniel Sheffer, John Smilie, John Smith, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, Charles Turner, junior, Pierre Van Cortlandt, jun., Laban Wheaton, Leonard White, William Widgery, and Thomas Wilson—77.

A motion was then made by Mr. McKIM to amend the said resolution by striking out these words:

“Permit our merchant vessels, owned exclusively by resident citizens, and commanded and navigated solely by citizens, to arm under proper regulations, to be prescribed by law, in self-defence against all unlawful proceedings against them on the high seas,” for the purpose of inserting the following: “authorize merchant vessels of the United States to arm, under proper regulations, to be prescribed by law.”

And the question being taken so to amend. it

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was determined in the negative—yeas 24, nays 92, as follows:

YEAS—William Anderson, Stevenson Archer, Josiah Bartlett, William Blackledge, John Clopton, Lewis Condit, Isaiah L. Green, Felix Grundy, Bolling Hall, Aylett Hawes, Joseph Kent, Abner Lacock, Peter Little, George C. Maxwell, Thomas Moore, Alexander McKim, Anthony New, Thomas Newbold, Stephen Ormsby, Samuel Ringgold, George M. Troup, David R. Williams, William Widgery, and Robert Wright.

NAYS—Willis Alston, jun., Daniel Avery, Ezekiel Bacon, John Baker, David Bard, William W. Bibb, Abijah Bigelow, Harmanus Bleecker, Thomas Blount, Adam Boyd, James Breckenridge, Elijah Brigham, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Martin Chittenden, James Cochran, Thomas B. Cooke, William Crawford, John Davenport, junior, Roger Davis, John Dawson, Joseph Desha, William Ely, William Findley, Asa Fitch, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Obed Hall, John A. Harper, John M. Hyneman, Richard Jackson, jun., Richard M. Johnson, William R. King, Lyman Law, Joseph Lefever, Robert Le Roy Livingston, William Lowndes, Aaron Lyle, Nathaniel Macon, Archibald McBryde, William McCoy, Arunah Metcalf, James Milnor, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Thomas Newton, William Paulding, jun., Joseph Pearson, Israel Pickens, William Piper, Timothy Pitkin, jun., James Pleasants, junior, Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, William Reed, Henry M. Ridgely, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Samuel Shaw, Daniel Shefey, John Smilie, George Smith, John Smith, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Charles Turner, junior, Pierre Van Cortlandt, junior, Laban Wheaton, Leonard White, and Thomas Wilson.

The question was then taken to concur with the Committee of the whole House on the state of the Union in their agreement to the said sixth resolution, as reported by the Committee on Foreign Relations; and resolved in the affirmative—yeas 97, nays 22, as follows:

YEAS—Willis Alston, jun., William Anderson, Daniel Avery, Ezekiel Bacon, John Baker, Josiah Bartlett, William W. Bibb, Abijah Bigelow, William Blackledge, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Wm Butler, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, John Clopton, Thomas B. Cooke, Lewis Condit, William Crawford, John Davenport, junior, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, William Ely, Wm. Findley, Asa Fitch, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard Jackson, junior, Richard M. Johnson, William R. King, Abner Lacock, Lyman Law, Joseph Lefever, Peter Little, Robert Le Roy Livingston, Aaron Lyle, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Arunah Metcalf, James Milnor, James Morgan, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Thomas Newton, Stephen Ormsby, Wil-

liam Paulding, junior, Joseph Pearson, Israel Pickens, William Piper, Timothy Pitkin, junior, James Pleasants, junior, Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, William Reed, Henry M. Ridgely, Samuel Ringgold, John Rhea, John Roane, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Samuel Shaw, John Smilie, John Smith, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, George M. Troup, Charles Turner, junior, Pierre Van Cortlandt, junior, Laban Wheaton, Leonard White, Wm. Widgery, and Thomas Wilson.

NAYS—Stevenson Archer, David Bard, Thomas Blount, Adam Boyd, Robert Brown, James Cochran, Jacob Hufty, Joseph Kent, William Lowndes, Nathaniel Macon, Samuel McKee, Alexander McKim, Samuel L. Mitchell, Jeremiah Morrow, Jonathan Roberts, William Rodman, Daniel Shefey, Richard Stanford, Philip Stuart, Robert Whitehill, David R. Williams, and Robert Wright.

Ordered, That a bill, or bills, be brought in pursuant to the said resolution; and that the Committee on Foreign Relations do prepare and bring in the same.

FRIDAY, December 20.

Ordered, That Mr. NEW be excused from serving on the committee appointed, the 13th ultimo, on the memorial of Matthew Lyon, who were instructed to inquire into prosecutions before courts of the United States, for libels under the sedition law; and that Mr. GRUNDY be appointed of the said committee in his place.

Mr. PAULDING presented a petition of Peter Landais, praying to be allowed and paid his share of prize money, in three vessels captured by him in the Revolutionary war, while commander of the United States' frigate Alliance.

Mr. P. moved that the petition be referred to a select committee; negative.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to raise an additional military force;" to which they desire the concurrence of this House. The bill was read twice, and referred to the Committee on Foreign Relations.

The House resolved itself into a Committee of the Whole on the bill to prevent the exportation from the United States, or Territories thereof, of any goods, wares, or merchandise, under the authority of permits or licenses derived from any foreign Power; and, after some time spent therein, the Committee rose, and had leave to sit again.

The bill from the Senate for completing the existing Military Establishment, was read the third time in Committee of the Whole, and passed—yeas 110, nays 11, as follows:

YEAS—Willis Alston, jun., William Anderson, Daniel Avery, Ezekiel Bacon, John Baker, Josiah Bartlett, Burwell Bassett, William W. Bibb, Wm. Blackledge, Harmanus Bleecker, Thomas Blount, James Breckenridge, Elijah Brigham, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Martin Chittenden, Matthew Clay, James Cochran, John Clopton, Thomas B. Cooke, Lewis Condit, William Crawford, Roger Davis, John Daw-

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son, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Asa Fitch, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Peter Little, Robert Le Roy Livingston, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Samuel L. Mitchell, Jas. Morgan, Jeremiah Morrow, Jonathan O. Mosley, Hugh Nelson, Anthony New, Thomas Newbold, Thos. Newton, Stephen Ormsby, William Paulding, junior, Joseph Pearson, Israel Pickens, William Piper, Timothy Pitkin, junior, James Pleasants, junior, Benjamin Pond, Peter B. Porter, Josiah Quincy, William Reed, Henry M. Ridgely, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, William Rodman, Thomas Sammons, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, Daniel Sheffey, John Smilie, Geo. Smith, John Smith, Philip Stuart, Silas Stow, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, George M. Troup, Charles Turner, junior, Pierre Van Cortlandt, junior, Leonard White, David R. Williams, William Widgery, Thomas Wilson, Richard Winn, and Robert Wright.

NAYS.—Abijah Bigelow, Adam Boyd, Epaphroditus Champion, John Davenport, junior, William Ely, Lyman Law, Joseph Lewis, junior, Elisha R. Potter, Richard Stanford, Lewis B. Sturges, and Laban Wheaton.

SATURDAY, December 21.

On motion of Mr. POINDEXTER, the House proceeded to consider the resolution submitted by him on the 19th instant; when, Mr. P. withdrew the resolution, and moved that the letter of Cowles Mead, Speaker of the House of Representatives of the Mississippi Territory, with the presentment of the grand jury of Baldwin county, in said Territory, against Harry Toulmin, Judge of the Superior Court of Washington District, be referred to a select committee, to consider and report thereon to the House; which was agreed to, and Messrs. POINDEXTER, BIBB, RHEA, CALHOUN, TALLAFERRO, BIGELOW, and CHAMPION, were appointed the committee.

STATUTES OF LIMITATION.

Mr. GHOLSON, from the Committee of Claims, who were instructed by a resolution of the House of the 11th ultimo, to inquire into the expediency of repealing or suspending the various acts of limitation, so far as they operate to bar the payment of certain descriptions of claims, made a report thereon.—Referred to the Committee of the Whole on the report of the Committee of Claims on the petition of Rees Nacna and others. The report is as follows:

That they have bestowed on the resolution that full consideration to which it was entitled. They felt, on the one hand, sincere solicitude to devise some just and adequate method of satisfying the claims in question; while, on the other, they were forcibly struck with the unavoidable scenes of speculation and fraud which would ensue the repeal or suspension of any of the

acts of limitation, whereby those claims are barred. If the old soldier, his widow, or his orphan, were alone to be benefited by such suspension, your committee would not hesitate to recommend it. Past experience, however, hath evidently shown that similar legislative indulgences have enured almost exclusively to the advantage of the unprincipled speculator, and those who avail themselves of the ignorance and subsist upon the misfortunes of others. We have innumerable examples of the truth of this position, in the consequences that resulted not only from the various suspensions of these acts which have hitherto taken place, but more especially from the adoption of the Funding System. It is deemed unnecessary to enlarge upon the consequences; they are too well known.

Although a communication received from the Treasury at a former session holds out an opinion that there are in the possession of that Department sufficient checks and guards to protect the United States from imposition and fraud in the payment of a certain part of those claims, the committee are differently impressed. They have seen a transcript from the books of the Treasury, published to the world, exhibiting the names of a certain class of claimants; and to suppose that a facility of this kind, thus offered to speculative artifice and management, would not be seized upon and used by the speculator to impose upon Government, is to suppose a thing contrary to all experience. The committee feel themselves by no means able to draw a line of distinction between a just claim liquidated and a just one unliquidated; and to attempt the invidious task of distinction in point of merit, where there can be no difference, and to open the statutes of limitation in order to relieve a part or a few favorite classes of claims, does not comport, in the view of your committee, with any principle of fairness, or with that equal system of distributive justice which ought to be dispensed toward all. When they take a retrospective view of the subject, and find that most of those statutes were first passed in the times and under the patriot counsels of the old Congress, and that the more general one which took effect in 1794 was passed under the Administration of General Washington, who was himself the chief of soldiers as he was the chief of their patrons and friends in every station; but he was equally the friend of his country, and gave that act the sanction of his name, as founded, at least, in a policy of general justice and right, which the Government had been at length obliged to resort to and maintain in self-defence; that every Congress since has invariably adhered to the general policy of those laws; and, after the lapse of so many years, when the difficulty of doing justice has increased with the increase of time, and when a partial repeal would but tend to increase the discontent and dissatisfaction of every class of claimants which should remain unprovided for, the committee cannot, from any view they have been able to take of the subject, recommend the repeal or suspension of any of those statutes. They would, therefore, beg leave to submit the following resolution:

Resolved, That it is not expedient to repeal or suspend any of the acts of limitation, whereby the aforesaid descriptions of claims are barred.

The report was ordered to lie on the table.

RULES AND ORDERS.

The House resolved itself into a Committee of the Whole on the report of the select committee appointed to prepare such Standing Rules and Orders of Proceeding as are proper to be observed

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therein. The Committee rose, and reported their agreement to the Rules and Orders of Proceeding as contained therein, with several amendments; all of which were severally concurred in by the House.

A motion was made by Mr. LACOCK to amend the said Rules by striking out these words: "He 'shall (*meaning the Speaker*) have the right to 'name any member to perform the duties of the 'Chair, but such substitution shall not extend beyond an adjournment;" which was determined in the negative.

Mr. NELSON moved to amend the said Rules by adding to the last paragraph, relating to the previous question, the words following: "If the 'previous question be decided affirmatively, every 'member, who shall not have spoken, shall have 'a right to speak once upon the main question."

After debate thereon, an adjournment was called for, and carried.

MONDAY, December 23.

Mr. CONDIT presented a petition of sundry manufacturers of bar iron, castings, nails, &c., in the State of New Jersey, praying that the importation of iron from foreign countries may be prohibited, or that additional duties may be laid on the importation thereof.—Referred to the Committee on Commerce and Manufactures.

Mr. PORTER presented a petition of the Commissioners of the State of New York, praying the co-operation and aid of Congress in opening "a canal navigation between the Great Lakes and Hudson's river."—Referred to the committee appointed, the seventh instant, on the petition of the President and Directors of the Union Canal Company of Pennsylvania; and that Messrs. PORTER, BARTLETT, BRIGHAM, JACKSON, MOSELEY, HUFFY, STRONG, PICKENS, WILLIAMS, HALL of Georgia, ORMSBY, GRUNDY, MORROW, and BARD, be added to the said committee.

A Message was received from the President of the United States communicating copies of an act of the Legislature of New York, relating to a canal from the great lakes to Hudson river.—Referred, &c.

Mr. GHOLSON, from the Committee of Claims, made an unfavorable report on the petition of Joseph Wheaton; which was concurred in, and the petitioner had leave to *withdraw* his petition and accompanying documents.

IMPORTS, TONNAGE, &c.

On motion of Mr. PITKIN,

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement of the several banks in which the public money is deposited, and the amount which is designated to each bank, together with the greatest amount that has been deposited in each bank at any one period, since the fourth day of March, Anno Domini 1811; and, also, the amount deposited in each bank on the thirtieth of September, Anno Domini 1811; and he is also directed to inform

this House on what terms, under what authority, and on what security, such deposits are made.

A motion was then made by Mr. PITKIN, that the House do come to the following resolutions:

1. *Resolved*, That the Secretary of the Treasury be directed to lay before this House a statement of the amount, in value, of the imports and exports of the United States, for each year, from the fourth of March, Anno Domini 1789, to the close of the year Anno Domini 1810, as far as practicable; distinguishing the imports and exports of each State and Territory; also, distinguishing the value of the exports of domestic productions from those of foreign.

2. *Resolved*, That the Secretary of the Treasury be directed to lay before this House a statement of the district tonnage of the United States, within each State and Territory, for each year, from the fourth of March, Anno Domini 1789, to the close of the year 1810, distinguishing, as far as practicable, the amount employed in foreign trade, the coasting trade, and in the fisheries; also, a statement of the foreign tonnage employed in the trade of the United States, for each year, during the same period.

3. *Resolved*, That the Secretary of the Treasury be directed to lay before this House a statement of the *gross* and *net* amount of duties on imports and tonnage within each State and Territory, in each year, from the fourth of March, Anno Domini 1789, to the close of the year 1810, with the charges of collection, together with the amount of drawbacks for each year, in each State, during the same period.

The resolutions were read, and the first concurred in by the House, and the second and third ordered to lie on the table.

RULES AND ORDERS.

The House resumed the consideration of the unfinished business of Saturday. The amendment proposed by Mr. NELSON being again read, as follows:

"That when the previous question is ordered to be taken, upon the main question being put, every member, who has not already spoken, shall have liberty to speak once."

Mr. GOLD said, the amendment now offered to the rules of the House, secures to every member the right of speaking at least once on every question before the House. The liberty of speech, and freedom of debate, are sacred by the Constitution; and to refuse *all* debate, to deny us the privilege of speaking *at all*, on the most important questions of peace and war, is a subversion of the first principles of the Constitution. And what is to justify this measure of imposing silence? It is said, the right of debate has been abused. Let gentlemen beware how, for an occasional *abuse* of a *right*, they *take away—destroy the right itself*. What right, in the whole charter of our rights, has not at some time been abused? Man is frail, and why should not, at times of public agitation and concussion of parties, abuses arise? debate become angry and be prolonged? And for this, is the principle to be adopted, that the right shall be forever suppressed and destroyed?—the principle that absolute silence shall be imposed on a minority? Sir, Philip, the tyrant of Macedon, disliked the freedom of speech and de-

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bate in Athens: it annoyed him; for this cause, Demosthenes was pursued to the altar, where he expired. The principle contended for by the majority (supposed abuse) will be found to justify the most odious usurpations recorded in history; liberty is abused, and chains are forged to restrain it.

Gentlemen of the majority insist, that the rule will not be abused; that the majority will not execute the rule arbitrarily. The amendment, now offered to the rules, stipulates only for liberty to each member to speak once. Now, sir, if this be denied, and the rule is ever executed, the abuse is inevitable, it is necessarily involved in the very execution of the rule.

Neither the journals of our State Legislatures nor the laws of the Parliament of Great Britain afford examples for thus arbitrarily proceeding. Debate is admitted in the British Parliament on the previous question; our rules exclude it on both the previous and main question. Beside, sir, I need only refer gentlemen to the manual of parliamentary law, from the hand of the third President of the United States, to show that the previous question was confined to subjects of delicacy, which a due regard to the interests of the State or its Government forbade to be agitated. How much, sir, has this question been perverted from its proper province, to silence all debate and force the question, the passage of the law! Such measures are dangerous to freedom, and afford, in evil times, the most fatal examples.

Mr. SMILIE said, he was a friend to freedom of debate, but that there was a difference between this, and that abuse of it, when you cannot get a decision without an exertion of physical strength. This has been our case several times. The rule now proposed to be altered is the old rule, and is only restored. We very well know, that a debate has been often prolonged merely to prevent a decision. We have been kept till ten and twelve o'clock at night, and sometimes till daylight. It is an inconvenience which he at his time of life had seriously felt. There can be no evil from the rule as now established. The responsibility of the majority is such to the people, that, if they should abuse it, as the minority have their privilege, the people will correct it, when the minority shall fairly state it to them. He said the majority were also responsible to the people to transact the public business.

Mr. STANFORD, in reply to Mr. SMILIE, said, he did not think it proper to give this dispensing power to the majority, if they by the Constitution did not possess it, as he contended they did not. He said, we have heard of a *sedition law*, and the *reign of terror*. The bill, when first introduced for that law, went to prevent freedom of speech. This rule, in his opinion, much more deserved the character of a "*Gag-law*," than the Sedition law did.

Mr. WRIGHT mentioned the great abuses of this privilege of the minority the last winter. He said, if we don't establish a written, decent rule, we must have a common law rule, such as they have in the British House of Commons, to shuffle and

put down, when the abuse of this privilege becomes enormous.

Mr. QUINCY.—Mr. Speaker. I do not regard this question in the light in which some of its advocates, as well as its opponents, have considered it; as a mere contest for power between the majority and the minority. It is of an higher character. It affects the essential principles of civil liberty, and saps its hopes at its very foundation. I rejoice that the gentleman from Virginia, (Mr. NELSON,) has limited his proposition, so as to preclude any mistake concerning the object of it. We are not now advocating an unrestrained privilege of debate. The inquiry is, shall a main question ever be taken in this deliberative body, until every member, who has not already spoken, shall have had an opportunity, if he wishes to avail himself of it, to speak at least *once upon the question*? The ground taken by those who oppose the proposition, is that of necessity and convenience. These are the very points, which, in a free country, ought most vigilantly to be guarded. For it is here that the spirit of despotism always lies in ambush. Under the cover of necessity, or convenience, it steals upon the liberties of a people, and never fails, sooner or later, to make them its prey.

It is not to be denied, that the subject is in some respects difficult to manage, with any hope of convincing. There is a state of feeling, both within this House and out of it, very unpropitious to an impartial debate. In this House it is argued as a question concerning who shall have the power, a majority, or a minority. And as it is agreed, on all hands, that, in the exercise of the power, abuse may happen, the present majority, like all other majorities, have a prevailing inclination to reserve, in their own hands, the exclusive privilege of abuse. And without doors, the subject is of less difficulty. For, of late years, the popular ear has been so vexed with speech upon speech, wind upon wind, the public patience has been so exhausted, in hunting up the solitary grain of sense, hidden in the bushels of chaff, that it is ready to submit to any limitation of a privilege, which subjects it to so irksome a labor. The people are almost ready to exclaim, "do what you will with the liberty of speech, provided you will save us from that *fresh* of words, with which we are, periodically, inundated."

Now, this is the very state of the public mind in which the corruption of essential principles commences. Through apparent necessity, or temporary convenience, or disgust at abuse, the popular sentiment is made to acquiesce in the introduction of doctrines vitally inconsistent with the perpetuity of liberty.

I ask the House to consider what is that principle of civil liberty, which is amalgamated and identified with the very existence of a legislative body. In what does it consist? And what is its character? It consists in the right of deliberation. And its character is, that it belongs not to the body, but the individual members constituting the body. The body has the power to control and to regulate its exercise. But it has not the power

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to take away that right altogether, by the operation of any general principle. An individual member may render himself unworthy of the privilege. He may be set down; he may be denied the right, because he has abused it. But whenever a legislative body assumes to itself the power of stopping, at its will, all debate, at any stage of deliberation, it assumes a power wholly inconsistent with the essential right of deliberation, and totally destructive of that principle of civil liberty which exists, and is identified with the exercise of that right.

The right of every individual member is, in fact, the right of his constituents. He is but their Representative. It is in their majesty, that he appears. It is their right that he reflects. The right of being heard by their Representative is the *inherent* and *absolute* right of the people. Now, it is in the essential character of such a right, that it exists, independent, and in despite of any man, or body of men, whatsoever. It is absurd to say, that any right is independent, which depends upon the will of another. It is absurd to say, that any right is absolute, which is wholly relative to the inclination of another; which lasts only as long as he chooses, and terminates at his nod. Now, whether this power be exercised by one, or many, it matters not. The principle of civil liberty is gone, when the inherent and absolute nature of the right is gone.

Apply this reasoning to the case before us. It is impossible to conceal the fact, that as our rules and orders stand, independent of the proposition now offered as an amendment, it is in the power of a majority to preclude all debate, upon any question, and force every member of the House to vote, upon any proposition, without giving him the opportunity of explaining his own reasons, or stating the interests of his constituents. This is undeniable. Is it not, then, plain and conclusive, that, as our rules and orders now stand, according to recent construction, every member of this House holds his right of speaking, not on the principle of his constituents, whose Representative he is, but upon the will of the majority of this House? For that which another may at any time take away from me, I hold not by my own right, but at his will. Can anything be more obviously at variance with the spirit of the Constitution and the first principles of civil liberty?

Let not any man say this power will not be abused. In the nature of things it must be abused. This is the favorite argument of every despotism, and, of course, will not fail to be urged when it is about to plant itself in the very temple of liberty.

I have chosen to consider this subject in relation to the right of the whole body, and of one of its individual members, rather than to that of a majority and minority. The right to speak is an individual right. Limit it as you please, consistent with a single exercise of that right. But when this is taken away, or, which is precisely the same thing so far as it respects the principle of civil liberty, when it is in the power of one or many, at its sovereign will and pleasure, to take it away, there is no longer any right. We have

our tenure of speech as the slave has his—at the will of a master.

But it is said that the Legislature must sometimes “act,” and that individuals, by an abuse of this liberty of speech, prevent the whole body from “acting.” All I say is, limit the exercise of the right as you please, only do not assume to yourselves the power of taking away the whole right, at your pleasure.

It is in this doctrine, of “the necessity of acting,” that lies the whole mystery of that error, which we are now combating. Strictly speaking, a Legislative body never “acts.” Its province is to deliberate and decide. “Action” is, alone, correctly attributable to the Executive. And it will be found, that all the cases, in which this necessity of “action” has been urged, have been cases in which the Legislative body has departed from its appropriate duties of deliberation and decision, and descended to be an instrument, or engine, of the Executive. I hesitate not to say, that this position may be proved by almost every instance in which this necessity of action has been urged. It was an Executive haste to its own purposes, which prevailed upon the Legislative body to deny, to its own members, their privileges.

It has been asserted, that “if this amendment passes, this will be the only deliberative body in the world which cannot stop debate.” On the other hand I assert, that if this amendment does not pass, this will be the only deliberative body in the world, pretending to be free, in which it is in the power of a majority to force a decision, without any deliberation. It is not true that, in the British Parliament, the previous question stops debate and forces decision on the main question without deliberation. The previous question there, if decided in the negative, suppresses debate, by postponing the main question. And until 1807, the practice and rules of this House permitted debate of the main question, after an affirmative decision of a previous question. Who ever undertakes to examine the subject will find it as I have stated.

It is not true, that this power ever was, or ever can be *necessary*, in a Legislative body. In every case in which the previous question, according to recent construction, has been pressed upon the House, it will be found that there was no *National* or *State necessity* for an immediate decision. That is to say, in every instance it will be found, that it was of no sort of public importance whether the main question were taken on this day, on the next, or on a third day. Always the question might have been taken, in a reasonable time; and every individual member, who chose to speak, might have had the privilege, if he pleased, of speaking, at least once. As far as I observed, all these pretences of necessity have been easily resolvable into party cunning. The subject was one difficult to maintain. It had popular bearings, which it suited not the pleasure of the majority to have investigated. They pressed the minority to instant decision, by refusing adjournment. And as it happens in all such cases, re-action is equal to action. The minority were put upon their

mettle, and they put to trial the metal of the majority.

It is undoubtedly true, that this power may be sometimes convenient. And this is the whole strength of the argument of those who oppose this proposition. The weak and aged members of the majority have been kept all night from their slumbers, by a hale and sturdy minority; which slumbers they might, by the way, at any moment, have enjoyed, if that very majority had yielded the point of adjournment. And is this reason of convenience sufficient, in the estimation of this House, to justify it, in depriving this people, in the person of their Representatives, of the essential right of speaking upon this floor? Is this a justification for such an atrocious and exorbitant grasp at power? Our patriotism, nowadays, can submit to no sacrifices. We are not content with sleeping, if we please, every day in our seats, unless we can sleep also every night of the session in our feather beds. And these feather-bed patriots, as I understand, are all agog for a march into Canada; and, if we believe them, are desirous of nothing so much as showing how those can meet privation and watchfulness in the field, who think of nothing but comfort and sleep upon this floor.

I know there is another argument urged in favor of the assumption of this power by the majority, and that is, the haste and clatter which always attend the end of a session. Let our session be long or short, the event is, in this respect, always nearly the same. What with speeches and postponements, and laying down one piece of business half finished, and taking up another, the latter end of a session is a political chaos. The work of this and the other House, and that of the Palace into the bargain, is in fact sometimes to be washed up, in a night—and the members of all branches are knee-deep and shoulder-deep in the suds. Now, this shows the necessity, not of this unlimited power of the previous question, but of conducting public business with more prospective intelligence. The House is just like all other spendthrifts. It first wastes what is its own, and then seeks how it may make up its deficiency out of the property of other people. We pillage the public liberty, in order to compensate for legislative negligence.

I have often been puzzled to imagine a necessity, which could even apologize for such an assumption of power as the majority, by this new construction of the previous question, are attempting; and, until lately, I did not believe that it could possibly exist. The only case, in which there seemed to me to be an apology for resorting to it, was, the other day, when the gentleman from Georgia (Mr. TROUP) threatened to call the previous question upon the majority themselves. I admired both his manner and the occasion on which he introduced that idea. And really there was something like a necessity. If I understood the view of that honorable gentleman, it was, that he thought there was not fighting matter to spare in the stomachs of the majority; and he threatened them with the previous question, lest, peradventure, the whole war spirit should ooze

away through the mouth. In this there was both discretion and patriotism.

There is one argument I was near omitting. The great apology for this assumption of power, is the prolongation of debate by the minority. Now, the length of debate must, in a great degree, depend upon the character of our Speaker. His power is, in truth, the power of the House. It is his province to limit debate, where it grows devious and irrelevant. Although this unlimited power of the previous question might be necessary, in times when the Chair was not filled by any distinguished intelligence, yet now, when we are under the superintendence of a mind discriminating and impartial, there seems to be as little apology as there is necessity for a resort to this power.

Mr. BRIGHAM said, that although he was forward in life, he was but of yesterday of this House, and that the rules and orders were not familiar with him. But he exceedingly regretted that this House, in their wisdom, ever found it expedient or proper to adopt a rule to deprive a minority, or an individual member of this House, of the freedom of debate, the freedom of speech, a privilege so much boasted of in this land of liberty. He observed that he had his rights in common with the other members of the House, and that he had his duties to perform. He was not ambitious to become a public speaker, nor would he say that he supposed he could speak to the edification or satisfaction of the House. But should he, on great questions, be denied the privilege of speaking? Suppose the question of peace or war should assume the aspect of solemnity, and it should become necessary and important that this House be made acquainted with the circumstances and disposition of the citizens of the several sections of the country—and suppose a member who is not much accustomed to speaking, silently sits until those gentlemen who are in the habit, and are fond of speaking, shall have exhausted themselves in debate—shall he, in that case, be denied the right of speaking—shall he be deprived of his Constitutional privileges and his constituents of their right of representation on the floor of this House?

He said, that he was bound by the oath of God to support the Constitution, and to promote the welfare of his country; but, if his mouth is stopped, how can he execute his trust or perform his vows? For this House, by a rule, to interdict the freedom of speech, is an assumption of power, and a violation of right. He hoped, that the rule under consideration would be modified, and that the proposed amendment would be adopted. He wished that each individual member might be permitted to exercise his right of speaking to any question before the House, at least once, if he chooses.

Mr. NELSON spoke in favor of the amendment. He said he had no hesitation in declaring, that whenever right and expediency shall come in competition, that he should prefer right. He remarked, that the Constitution secured the freedom of speech to the citizen. And are we, he asked,

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to be deprived of it when we come to this House—when we enter this temple of liberty? The attempt is not to suspend merely, but to destroy this right, and because we have experienced some inconvenience from this exercise. He agreed with the gentleman from Massachusetts, (Mr. QUINCY,) that if the House would do their duty, and get the business along in the early part of the session, we should never be in the dilemma the House were in, the last session of Congress; and that an inconvenience was a very poor reason for destroying this right of offering our sentiments. He would rather recommend the turning out of doors a member who should become troublesome in speaking too long, than to suffer him to stay in the House and prevent his uttering his sentiments. Even expulsion would not be a greater infringement of his right. The right of the people is the right of their Representatives to speak, deliberate, and decide. As to the plea of necessity, he protested against it as the plea of tyrants.

Mr. ALSTON, of North Carolina, expressed his astonishment, that the gentleman from Virginia, (Mr. NELSON,) had assumed the ground he had. He said, there were two parties in this House; and asked, is it ever known how a question will be decided, until it is taken?

Mr. BASSETT said, if a stranger was present, and should hear this debate, he would suppose that the question was now for the first time brought forward for the establishment of the rule, against which so much had been said, when it is well known that it has always been the practice.

Mr. PIRKIN said, the amendment now under consideration was proposed in consequence of a decision of the House, at the close of the last session, that when the previous question was decided in the affirmative, there could be no debate on the main question; the amendment, if adopted, allows a member, who has not previously spoken, to speak at least once on the main question, before he is called upon to give his vote upon it.

The principle adopted by the majority, during the last days of the last session, and now supported in the House, is this, that a majority, who may happen to be present, at any time, have it in their power, by means of a previous question, as it is called, to prevent all debate on every question before the House, however important it may be; to seal up the lips of every member, and compel him to vote upon the question without an opportunity of expressing his sentiments upon it, or explaining the reasons of his vote. 'This, Mr. Speaker, is a principle to which I never have, and to which I never will give my assent. What, sir, let me ask, and where is the rule, under which the majority claim to exercise this enormous power—the power of imposing silence upon any member, on this floor?

The rule, under which this power is claimed, is in the following words: "The *previous question* shall be in this form: Shall the main question be now put?" It shall only be admitted when demanded by five members; and, until it is decided, shall preclude all amendment and further debate of the main question, and that "on a pre-

vious question there shall be no debate." By a new construction, which a majority of the House thought proper to give to this rule, at the close of the last session, all debate may be prohibited on any question; for five members alone can demand the previous question, and then, of course, all debate must cease, until a decision be had on that question, and if the previous question be decided in the affirmative, by this new construction of the rule, there can be no debate or amendment of the main question. Thus, sir, unless the amendment now proposed be adopted, if a proposition for a declaration of war against Great Britain, or any other nation, should be laid upon your table to-morrow, it will be in the power of a majority of the House, and that majority may consist of less than forty members, to impose silence upon every member of this House; and we must be compelled to vote on a proposition so interesting to the prosperity, happiness, and perhaps the final destiny of this country, without the poor privilege (if we might choose so to do) of raising our voices against it. But, sir, the opponents of the amendment say, that the construction given to the rule the last session, was in conformity with the universal practice of the House, from the establishment of the Government, except in two or three instances.

I deny, sir, that this has been the practice, and I believe I may venture to assert, without fear of contradiction, that no such power has ever been exercised over the members of this House, since its organization, until the last session. I have, sir, examined the journals, with some attention, and have not been able to find a solitary instance of the kind. On the contrary, many cases are to be found when the previous question has been decided in the affirmative, and that, immediately after the main question has not only been *amended* but has been *debated*. And here, sir, permit me to observe, that the rule itself, with respect to the previous question, was adopted the first session of the First Congress, and has ever since remained precisely in the same form; and no construction was ever given to it, so as to prevent debate on the main question, until the last session.

Permit me to refer the House to the Journal of the first session of the Third Congress, for the proof of what I have stated. During this session, the difficulties then subsisting between this country and Great Britain, became the subject of discussion, and a proposition for prohibiting all intercourse with Great Britain, in case justice was not done us, was then submitted to the House, and the previous question was called upon it, and decided in the affirmative, after which the subject was not only postponed, but, as appears by the Journal, was both *amended* and *debated*. It appears also, from the Journal, in 1795, that a proposition was amended after an affirmative decision of the previous question. In the year 1798, when a resolution was before the House for publishing the instructions to, and the despatches from our Ministers to the French Republic, the previous question was moved and determined in the affirmative; and it appears by the Journal that

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immediately after such decision, on the same day, debate was had on the main question.

But, sir, to come to our own times: on the 15th of December, 1807, a construction was given to the rule, after mature deliberation, by a large majority of the House, that the main question might be debated, after an affirmative decision of the previous question. This was done on an appeal from the decision of the Speaker, "that after the previous question is called for and determined in the affirmative, it precludes all debate on the main question." The House reversed the decision of the Chair by 103 to 14. A similar decision took place on the 2d of December, 1803, in the House—101 to 18. And, sir, I have been unable to find a single decision of the House to the contrary, from the first organization of the Government until the close of the last session. Indeed, sir, the words of the rule itself, show that the construction, which had so long prevailed, was the only true construction which could be given to it. The words are, and until it (*viz:* the previous question) is decided, "shall preclude all amendment and further debate of the main question." By which it is evident, that amendment and debate of the main question is only *precluded*, until the previous question is decided, but that after such decision, it was not precluded.

The gentleman from New York, (Mr. GOLD,) and the gentleman from Virginia, (Mr. NELSON,) have truly stated that the previous question was taken from the rules of the British Parliament, and they have likewise stated the reason of its introduction into that body. It was, sir, to prevent debate in the House of Commons upon questions of a *delicate nature* with respect to high personages, &c. Yes, sir, it was introduced there to enable the Ministry to prevent the *Commons* from opening their lips on subjects relating to the Royal Family and the great men of the realm. But, sir, we have gone further than the Ministry and their majorities, despotic and tyrannical as they have been, have ever dared to go in Parliament. For even there members are now, and always have been, permitted to debate on the previous question; but which members on this floor are not now permitted to do. Mr. Speaker, the nature of our Government forbids that the majority should have the power to prohibit all debate on questions which may come before this House. We have not, as yet, I trust, any high personages in this country about whom it would be indelicate or improper for the members on this floor to speak; and let me ask what subject of national importance can be proposed for adoption, on which a member should be deprived of the privilege of speaking at least once before he gives his vote? Nay, sir, let me ask gentlemen whether this House has a right to compel me, or any other member, to vote on any question, without giving me an opportunity of explaining my reason for that vote. I deny, sir, that they have this right; as a member of this body, I claim the privilege of delivering my sentiments, or what I may consider the sentiments of my constituents, on any subject, before I give my vote upon it. I claim it not, sir, for

myself personally, but I claim it in the capacity of a Representative of a free people, sent here, not like a member of the French Council of Five Hundred, for the purpose of voting merely, but for the purpose of deliberating on subjects of high concern to their peace, their prosperity, their happiness. For what, sir, are we assembled here under a Constitution the purest in the world? Is it not for the purpose of promoting "the general welfare" of the nation which we represent? And how is this to be done, except by a free communication of our sentiments to each other, on the various plans which may be proposed for that object? The peace, the honor, and interest of this country is confided to our care, and while we are here deliberating on the best means of preserving the one or securing and promoting the other, the Constitution has very wisely thrown around us a shield of complete indemnity—"for any speech or debate in this House," we are "not to be questioned in any other place." Will then the majority claim the right of depriving a member of this privilege of speech, a privilege not only thus secured to him by the Constitution itself, but for the due exercise of which he is not to be questioned elsewhere? But, sir, those who oppose the amendment say that the construction is founded in necessity; that individual members have abused the privilege of speech; that they have heretofore, and probably will again, make long speeches merely for the purpose of delay, and of embarrassing the proceedings of the House; and that therefore the majority must have it in their power to stop debate, whenever they think proper, and that this power will always be exercised with a sound discretion.

I deny, sir, that any such necessity exists; it is a plea easily made, but generally difficult and in this case impossible to be supported. Why has it so happened that this necessity has never existed until the last session of Congress? Was it then for the first time, that a division of sentiment appeared on this floor? were parties never before heard of in this country? Were not parties arrayed against each other in 1796 on the subject of the British Treaty, and in 1798-9, on the question of a war with France? Were not the disputes in this House, in those times, as long and as bitter, as they have ever been since? Those were times, which have been so often quoted in this House as hard, and unconstitutional; times when the reign of terror prevailed, when corrupt majorities, as has been often said on this floor, passed alien and sedition laws. And, yet, sir, with all the political sins which have been heaped upon those majorities, the sin of having taken away the privilege of speech on this floor never has been, and as I have proved from the journals, never can be laid to their charge. This House, by the Constitution, has the power to "determine the rules of its proceedings;" and in making those rules, it has the right of regulating, but not of entirely preventing debate.

It would indeed be a strange anomaly in politics, as well as in law, that under a general power of making rules of proceeding, we should make a

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rule to prevent all proceedings whatever. Gentlemen may as well assume the power of preventing a member from voting, as they now do that of preventing him from speaking. I am willing to agree, sir, that the privilege of debate, on this floor, may have been and will again be abused; that on particular subjects individual members have spoken much longer than was necessary, and I may add, also, with much less sense than a majority might have wished; and in some instances they may have prolonged their speeches, merely for the purposes of delay. But, sir, will you deprive a member of the right of speaking at all, because he is unable to convey his ideas in few words, or because he may have very few or no ideas to convey? Or because some may have spoken merely to delay the proceedings of the House, will you make a general rule, by which a member may be wholly deprived of the right of speaking? If indeed, sir, evils do arise in consequence of the liberty of speech in this House, if the business of the nation does not progress with as much rapidity as in countries under the control of an individual; they are evils which flow from the very nature of our Government, from that freedom which we so highly prize, and from that very Constitution which we have sworn to support. So long as we are men we shall be imperfect, we shall bring with us on this floor different views, different ideas on political as well as on other subjects; and it would be strange indeed if, on the various topics of national importance brought before us for discussion, we should not at times come into strong collision with each other.

The question on the amendment was determined in the negative—yeas 36, nays 76.

Mr. STANFORD moved to amend the rules by adding to the end of the paragraph relating to priority of business, the words "but no question of consideration shall be required upon an original motion;" which was also determined in the negative—yeas 30, nays 68.

On motion of Mr. WILLIAMS the said rules were amended by striking out the word "five," in the paragraph prescribing the manner in which the previous question shall be taken, and inserting the words "one-fifth of the."

The question was then taken to concur in the said rules as amended, and determined in the affirmative.

TUESDAY, December 24.

On motion of Mr. KENT, the petitions of the President and Directors of the Chesapeake and Delaware Canal Company, presented the twenty-eighth of January, 1806, and the thirteenth of February, 1807, were severally referred to the committee appointed, on the sixth instant, on the memorial of the Union Canal Company, in the State of Pennsylvania.

Mr. POINDEXTER moved the following resolution:

Resolved. That the President of the United States be requested to inform this House whether any nego-

tiation is now pending between the United States and Spain, or any other foreign Power, respecting the claim of the United States to that tract of country of which possession was taken by virtue of the President's proclamation, bearing date the twenty-seventh day of October, 1810; and, also, whether he is possessed of any information, which, in his opinion, requires that the Legislative authority of Congress over said country should be suspended, with a view to future negotiation on that subject.

The resolution was read, and ordered to lie on the table.

Mr. JENNINGS moved the following resolution:

Resolved. That the President of the United States be requested to cause to be laid before this House any additional information, verbal or otherwise, which he may have received, relative and important to the public situation of the Indiana Territory, which may not be improper to be communicated.

The resolution was read, and ordered to lie on the table.

Mr. STOW moved the following resolution:

Resolved. That, should a war ensue between the United States and Great Britain, it would be expedient to provide, by law, a bounty to impressed American seamen, and their associates, for each British ship of war they may capture and bring into an American port.

The resolution was read, and referred to a Committee of the Whole on the first Monday in February next.

The House resolved itself into a Committee of the Whole on the report of the Committee on the Public Lands, made the fifth instant, on the petition of the Mayor and Aldermen of the city of New Orleans; and, after some time spent therein, the Committee rose, and reported their disagreement to the resolution therein contained.

The resolution was then read, and is as follows:

Resolved. That provision ought to be made for securing to the corporation of the city of New Orleans, the occupancy and use of a piece of ground on which it is contemplated to erect steam engines for conveying water into the said city: *Provided.* That if the ground shall not be so occupied, or shall hereafter cease to be so occupied, the claim of the United States thereto shall remain unimpaired.

On motion of Mr. BIBB, the further consideration of the resolution was postponed until the first Monday in February next.

A message from the Senate informed the House that the Senate have passed a bill "authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States;" to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole on the bill to continue in force, for a further time, the first section of an act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers." The bill was reported without amendment, and ordered to be engrossed and read the third time on Friday next.

Mr. POINDEXTER moved the following resolution:

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Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of prohibiting, by law, the corporation of the city of New Orleans from exacting any tax, or duty, on vessels, boats, or other craft, descending the river Mississippi, having on board articles the growth or manufacture of the United States, or such articles of foreign growth or manufacture as have been regularly imported into the United States.

The resolution was read, and its further consideration postponed until the first Monday in February next.

The SPEAKER presented a petition of the Legislature of the Indiana Territory, praying that a grant of land may be made to every officer and soldier who served in the late expedition under Governor Harrison, against the hostile Indians, and that a similar grant may be made to the heirs of those who were killed in the action of the seventh ultimo.

The SPEAKER also presented a petition of "a committee appointed at a meeting of the officers and privates of the several militia corps of Knox county, in the Indiana Territory, who served in the late campaign under Governor Harrison," praying that grants of land may be made to the heirs of such officers and soldiers as fell in the action of the seventh ultimo; and that compensation may be made for horses and other property unavoidably lost or destroyed in said action.

The petitions were referred to the committee appointed, on the nineteenth instant, on the Message from the President of the United States, transmitting letters from Governor Harrison, relative to the action aforesaid.

The bill from the Senate, "authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States," was read twice, and referred to the Committee appointed on that part of the President's Message which relates to filling the ranks and prolonging the enlistments of the regular troops, and to an auxiliary military force.

The third reading of the bill from the Senate, "for the relief of Thomas O'Bannon," was called for; when, on motion of Mr. BLACKLEDGE, it was recommitted to the Committee on the Public Lands. Adjourned to Thursday.

THURSDAY, December 26.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill relating to marriage licenses, in Washington county, in the District of Columbia, and directing the application of the fees paid for them; which was read twice and committed to a Committee of the Whole on Monday next.

Mr. PORTER, from the Committee on Foreign Relations, presented a bill authorizing the President of the United States to accept and organize certain volunteer military corps; which was read twice and committed to a Committee of the Whole on Monday next.

On motion of Mr. BIBB, the Secretary of the Navy was directed to lay before this House a

statement of the vessels belonging to the United States, which have been repaired since the year 1801, specifying the time when such repairs were made, and the cost.

The House resolved itself into a Committee of the Whole on the bill directing the terms on which lands sold at public sale, and that revert for failure in payment, shall again be sold; and, after some time spent therein, the bill was reported without amendment, and ordered to be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the report of the Committee on the Public Lands, made the fifth instant, on the memorial of the Legislative Council and House of Representatives of the Indiana Territory; and, after some time spent therein, the Committee rose, and reported their agreement to the resolutions contained therein; which were concurred in by the House, as follows:

1. *Resolved*, That it is inexpedient to repeal such clauses of the laws for the sale of the public lands, as impose interest from date of the purchase on such instalments of the purchase-money as are not paid when they become due, or to remit back interest which may have accrued on any such instalment.

2. *Resolved*, That it is inexpedient to allow a further time of two years, from the time the last instalment shall become due, before a forfeiture can take place for failure in payment on any future sales.

3. *Resolved*, That the further time of one year, for completing the payments, ought to be allowed, respectively, to all purchasers of public lands, Northwest of the river Ohio, whose time for completing the payment of the purchase-money may, or shall have expired on or before the twenty-second day of December, 1812, and whose land has not been actually sold, or forfeited for failure in payment, on condition that all arrears of interest shall be paid to entitle any purchaser to the benefit of this provision.

The Committee on Public Lands were directed to prepare and report a bill, pursuant to the third resolution.

The House resolved itself into a Committee of the Whole on the report of the Committee of Claims, made the twenty-seventh ultimo, on the petition of Rees Nanna and others, to which Committee of the Whole was also committed the report of the Committee of Claims, of the twenty-first instant, on the expediency of repealing or suspending the statutes of limitation; and, after some time spent therein, the Committee rose, and had leave to sit again.

Mr. GNOLSON moved the following resolution:

Resolved, That the Committee of Claims be instructed to inquire into the merits of all claims that may be referred to them, which originated during the Revolutionary war, notwithstanding such claims may be barred by the statutes of limitation; and to report their opinion thereon to the House.

The resolution was read; when the House adjourned.

FRIDAY, December 27.

Mr. NELSON presented a petition of sundry inhabitants of the Territory of Louisiana, praying

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that the second grade of Territorial government may be extended to the inhabitants of said Territory.

Mr. NELSON also presented a certified copy of a presentment by the grand jury of the District of St. Charles, in said Territory, representing that the second grade of Territorial government ought to be extended to that Territory; that the judges of the general court ought to reside in the Territory; and that further and equitable provisions ought to be made in favor of rejected land claims.—Referred.

Mr. NELSON also presented a petition of members of several Christian denominations, residing in the Western parts of the United States, praying that mails may not be carried, and post offices may not be opened, on Sundays.—Laid on the table.

Mr. POINDEXTER presented a petition of sundry inhabitants of the Mississippi Territory, praying that the said Territory may be admitted into the Union as a State.—Referred.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill further to amend the charter of the city of Washington; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. WILLIAMS, from the committee appointed on that part of the President's Message which relates to filling the ranks and prolonging the enlistments of the regular troops, and to an auxiliary force, to whom was referred the bill from the Senate "authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States," reported the same without amendment and the bill was committed to a Committee of the Whole to-morrow.

Mr. PORTER, from the Committee on Foreign Relations, to whom was referred the bill from the Senate, "to raise an additional military force," reported the same, with an amendment; which was read, and, together with the bill, committed to the Committee of the Whole on the state of the Union.

The SPEAKER laid before the House a report of the Postmaster General on the petitions of the Synod of Pittsburg, and of sundry members of several Christian denominations, in the Western parts of the United States, relative to the conveyance of mails on Sundays; which was read, and referred to the Committee on Post Offices and Post Roads.

An engrossed bill to continue in force, for a further time, the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers," was read the third time, and passed.

The House proceeded to consider the resolution submitted by Mr. GHOLSON on the twenty-sixth instant; and the said resolution being again read, was committed to the Committee of the Whole on the report of the Committee of Claims on the petition of Rees Nanna and others.

An engrossed bill directing the terms on which lands sold at private sale, and that revert for fail-

ure in payment, shall again be sold, was read the third time, and passed.

The House resolved itself into a Committee of the Whole on the bill for the revision of former confirmations, and for confirming certain claims to land in the District of Kaskaskia. The bill was reported without amendment, and ordered to be engrossed, and read the third time.

The House resolved itself into a Committee of the Whole on the bill for the more convenient taking of affidavits and bail, in civil causes depending in the Courts of the United States, and the amendment reported by the select committee, on the second instant. The Committee rose and reported the bill, with the amendment; which was concurred in by the House, and ordered to be engrossed, and read the third time.

The House resolved itself into a Committee of the Whole on the bill to continue in force, for a limited time, the salaries of the officers of Government therein mentioned; and, after some time spent therein, the Committee rose and had leave to sit again.

PENNSYLVANIA RESOLUTIONS.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States.

I lay before Congress copies of resolutions entered into by the Legislature of Pennsylvania, which have been transmitted to me with that view by the Governor of that State, in pursuance of one of the said resolutions.

JAMES MADISON.

WASHINGTON, December 27, 1811.

The present is a period replete with national occurrences as momentous as ever marked the annals of the world. That collision of kingdoms and empires which has deluged Europe with blood, borne down the practice, and nearly extinguished the principles of justice and humanity, is not, in its effects, confined to that unhappy quarter of the globe. The unparalleled prosperity, the enterprising spirit, and the expanding commerce of the United States of America, have rendered them, to the two mighty belligerents, an object of envy and a medium of retaliation, pretended as to one, and iniquitous in both.

The Emperor of the French has yet much to do before the just claims of our country can be satisfied. But he has annulled those decrees which were the only legal obstruction to a friendly and commercial intercourse with his dominions. He has annulled those very decrees on which the British Government solemnly declared its Orders in Council to be suspended. To the British Government and to the world he has evinced the extinguishment of those decrees by the united evidence of solemn profession and uniform practice. But have the Orders in Council expired with the French decrees? No. Compared with their prior, their subsequent operation has been as life from the dead. They have been executed with redoubled rigor. Our seamen are impressed, our citizens robbed, our flag prostrated, our own waters infested, our coasting trade annoyed, our harbors blockaded.

While maritime oppression has thus risen to its summit, an Envoy Extraordinary is sent to our Government, not (as might have been reasonably expected)

to soften our irritated country by conciliatory language; not to offer atonement for offences, and indemnifications for wrongs that are past: these, with a single exception, he passes over as things beneath the notice of the British Government or its Envoy, or as injuries to which the inexhaustible forbearance, the presumed timidity, or the abject debasement of the American Government would insure her silent submission. He commences a new species and system of insult. He prescribes to the President what he shall recommend, and what the National Legislature shall enact. He demands a law which shall admit the products and manufactures of Great Britain into the ports of the United States, although American manufactures are, even in time of peace, excluded from the British dominions. He commands the American Government to procure of Napoleon an abandonment of his continental system, and the admission of British products and manufactures into his own and the ports of his allies. A compliance with the first of these demands is a relinquishment of sovereignty; to fulfil the latter, the United States have neither right, nor power, nor the folly to attempt. The first is degrading, the second impossible. And yet a submission to these royal mandates is menacingly declared to be the only condition on which the Orders in Council shall be repealed, and the violation of our neutral rights discontinued.

Solemnly impressed with these considerations, and contemplating demands so unjust, so unreasonable, so disrespectful to the intelligence, and so insulting to the sovereignty of an enlightened, free, and independent people, therefore,

1. *Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That the policy of the British Government, as exhibited by her naval power on the high seas, and expressed by her Envoy near the United States, merits the reprobation, and cannot but arouse the virtuous indignation of every friend of this country and its Government.

2. *Resolved,* That, when submission or resistance to the unjust demands of a tyrant is the alternative, the latter only can be chosen by the freemen of America.

3. *Resolved,* That, though we would rejoice in that adoption and practice of justice which would secure to Great Britain and to the world our friendship and friendly intercourse, we will, in order to repel aggression and obtain reparation, vigorously exert all the powers which we possess to accelerate the accomplishment of such military preparations as the wisdom of our National Legislature may require.

4. *Resolved,* That it is our duty as legislators to employ a suitable portion of the finances of this Commonwealth in promoting the growth and prosperity, and in securing the permanence of our infant manufactures: that, as individuals of the community, we will, as much as possible, abstain from wearing anything in our apparel that is not the product of these manufactures, and that we will recommend the same patriotic practice to our constituents.

5. *Resolved,* That the question merits serious consideration, whether, in order to suppress the system of plunder and impressment on the high seas, it would or would not be a just, humane, and efficient retaliation to lay hold on property of the British Government or of its subjects, whenever such property can be found to an amount sufficient to indemnify the plundered American; and for every impressed Ameri-

can citizen, to seize a subject of His Britannic Majesty, wherever such subject can be found, and to subject him to imprisonment and labor, corresponding to the condition of the impressed American on board of a British ship of war.

6. *Resolved,* That the wisdom, patriotism, and firmness of the Executive and Councils of the General Government entitle them to our perfect confidence, and their measures to our prompt and zealous co-operation; and, in case an appeal to arms should be deemed necessary, we will support them at the risk of our lives and fortunes.

7. *Resolved,* That the Governor of this Commonwealth be instructed to transmit an authenticated copy of these resolutions to the President of the United States, with a request that he communicate them to Congress.

JOHN TODD, *Speaker of the House.*

P. C. LANE, *Speaker of the Senate.*

MONDAY December 30.

Soon after the Journal was read,

Mr. Dawson rose and addressed the Chair. The lowness of his voice, owing to recent indisposition prevented his being heard distinctly; but his observations were nearly as follows:

Mr. Speaker—Virginia, my parent State, has long to mourn the loss of some of her most valuable sons and estimable daughters, who on the night of the 26th of the present month, met their untimely end.*

Among those who perished in the flames, in the metropolis of that State, on that sad night, were the Chief Magistrate of the State, and a gentleman† well known to many of us, and who, for years, held an honorable station in this House. Some of the most valuable and prominent characters in their professions, and others who promised ere long to be ornaments to their country. With these, sir, was the rising offspring‡ of one of our present most valuable members, and many other amiable and virtuous women who adorned and improved society.

These, sir, with many others, have fallen victims to that unrelenting element, notwithstanding the bold and generous efforts which were made to save them.

Their ashes are now mingled with the dust, and their spirits have ascended to Heaven.

It is to us a great national calamity.

I well know, that on such occasions grief, although keen, is unavailing—that the decrees of fate are irrevocable and ought to be submitted to with humility. In order, however, to testify the respect and sorrow which this nation feels for the deceased, and to prove that we sympathize with the afflicted, without further comment on this painful subject, I beg leave to offer the following resolution:

Resolved, That the members of this House will wear crape on the left arm for one month, in testimony of the respect and sorrow which they feel for those unfortunate persons who perished in the fire in the city

* At the burning of the Theatre at Richmond.

† Mr. Venable. ‡ Mr. M. Clay's daughter.

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Remission of Duties—Compensation to Revenue Officers.

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of Richmond, in Virginia, on the night of the 26th of the present month.

This resolution was unanimously adopted.

Mr. POINDESTER presented to the House a resolution of the Legislative Council and House of Representatives of the Mississippi Territory, approbatory of the conduct of the Executive in the late negotiations with the British Government, and expressive of their determination to support such measures as the General Government may adopt for the maintenance of the rights, the commerce, and the honor, of the United States; which was read, and ordered to lie on the table.

Mr. MORROW, from the Committee on the Public Lands, presented a bill to ascertain and establish the Western boundary of the tract reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia line on continental establishment; which was read and committed to a Committee of the Whole on Monday next.

Mr. WILLIAMS, from the committee appointed on that part of the President's Message which relates to filling the ranks and prolonging the enlistments of the regular troops, and to an auxiliary force, reported (in part) a bill supplementary to "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States;" and to "An act making provision for arming and equipping the whole body of the militia of the United States;" which was read twice and committed to the Committee of the Whole on Monday next.

Mr. WRIGHT moved the following resolution:

Resolved, That a committee be appointed to bring in a bill for the protection, recovery, and indemnification of American seamen.

The resolution was laid on the table.

The House resolved itself into a Committee of the Whole on the bill authorizing the President of the United States to accept and organize certain volunteer military corps; and, after some time spent therein, the Committee rose and had leave to sit again.

The House resolved itself into a Committee of the Whole on the bill from the Senate, "To raise an additional military force," and on the amendment reported thereto by the Committee on Foreign Relations; and, after some time spent therein, the Committee rose and had leave to sit again.

REMISSION OF DUTIES.

Mr. NEWTON, from the Committee of Commerce and Manufactures, made a report on the petition of Ezekiel Hubbell, referred the eighth ultimo; which was read; when, Mr. NEWTON presented a bill to empower the Secretary of the Treasury to decide on the case of the ship *Eliza Ann*, belonging to Ezekiel Hubbell; which was read, and, together with the report, committed to a Committee of the Whole on Friday next.

The report is as follows:

That the petitioner, on the 17th of January, 1809, at London, in the Kingdom of Great Britain, purchased

of William Lyman, the Consul of the United States, the ship *Eliza Ann*, of New York, he acting as the agent of the owners, Joshua Jones and Edward R. Jones, of New York, trading under the firm of Joshua Jones and Son; and that the said ship was transferred to the petitioner, by the said William Lyman, according to the form prescribed by law. That, after the purchase of the said ship, she sailed from London to Cadiz, in Spain; took in there a cargo, principally belonging to the petitioner, and proceeded to New York, at which place she arrived on or about the 7th of June, 1809; the petitioner being at that time absent in Europe, and for some months after the arrival of the ship in the United States; in consequence of which, a register, in the name of the owner or petitioner, could not be obtained, and the ship and cargo were subjected to the payment of foreign duties.

It is also stated that a register for the said ship, according to law, has been obtained.

The object of the petitioner is to obtain a remission of so much of the duties as are above those paid by vessels of the United States.

This case, while the said ship was without a register, came within the jurisdiction of the Treasury Department, and a remission of the foreign duties might have been procured, had an application been made to that Department during the continuance of the disability incurred by the owner's not taking out a register within three days after the arrival of the said ship in the port of New York.

A new certificate of registry being obtained previous to the application of the owner to the Secretary of the Treasury for a remission of the foreign duties, put it out of the power of the latter to do so, as the remission is incidental only to the Secretary's removing a disability.

The committee, on mature consideration, are of opinion that cases like the present ought to be decided without delay, and that it is safer to confine them to the jurisdiction of the Treasury Department. Being of this opinion, they beg leave to report a bill, authorizing the Secretary of the Treasury to render the same decision, on this case, that he would have done had application been made to him previous to the removal of the disability by the petitioner.

COMPENSATION OF REVENUE OFFICERS.

Mr. BACON, from the Committee of Ways and Means, made a report on the several petitions of the Collectors of the ports of Philadelphia, Norfolk, Plymouth, in Massachusetts, and Baltimore, and of the Naval Officer of the port of Philadelphia, referred during the present session; which was read; when, Mr. BACON, from the same committee, presented a bill in addition to "An act to establish the compensations of the officers employed in the collection of the duties on imports and tonnage;" which was read twice and committed to a Committee of the Whole on Thursday next. The report is as follows:

That the aforesaid officers pray that provision may be made, by law, for remunerating to them the deficiencies which have happened in the amount of their annual compensations, for some years past; and, as it respects the collectors of the ports of Baltimore, and Norfolk, that additional compensation may be made them for the future.

The committee have observed that the deficiencies referred to have occurred principally during the years

1808 and 1809, and have been occasioned by two causes:

1st. The generally depressed state of commerce, during those years, which so materially affected the general revenue of the country, and, consequently, the emoluments of the officers employed in its collection, in different degrees.

2d. The payment over, by some of the present incumbents of those particular offices, to the legal representatives of their deceased predecessors, of a moiety of the commissions arising from duties bonded by such predecessors, but actually received by such incumbents, pursuant to the 4th section of the act to establish the compensations for those officers, passed March 2d, 1799.

On this view of the subject, the committee would remark, that, so far as such diminution of compensation has been occasioned by the first mentioned cause, it must be expected by public officers, whose emoluments depend, in a great degree, upon the actual state of the general commerce of the country, that they should, in some measure, share their part in the occasional variations which, at particular periods, may happen to that commerce; and if, during some years, they are enabled to receive an amount which is obviously something more than an average compensation for services equally arduous, in the ordinary branches of private business, it ought not to be complained of, if, in other years, they should receive somewhat less. Applying this principle to the case of the particular officers under consideration, the committee are convinced that, upon an average of three years, from 1808 to 1810, both inclusive, those officers (with the exception of the collector of Baltimore) have been enabled to receive an annual compensation for their services, which, in reference to the general rewards of skill and industry, during that period, ought, under all the circumstances of their case, to be deemed a reasonable one. The net emoluments of the collector of Philadelphia, (including the half commissions paid to his predecessor) during that period, amounting to the average sum of \$2,537 12, annually; those of the naval officer of that port, to \$2,625 89; those of the collector of Norfolk, to \$921 82; and those of the collector of Plymouth, to \$1,341 45.

That, so far as the net emoluments of some of those officers have been affected by the second consideration above stated, it ought not to form a ground for remuneration by the Government, since it is a circumstance incident to all other officers of the same description, upon the commencement of their official duties, and is, in effect, but the advance of a sum out of their first year's emoluments, which they may calculate upon being refunded to them, or their legal representatives, after the expiration of their official duties by death or resignation.

That some inequalities exist in the compensations now allowed to the officers of the customs, is not improbable, and a general review of that subject may, at a suitable time, be proper and expedient. But it is doubted whether the present unsettled state of our commerce and revenue will afford sufficient data on which any permanent regulations in this behalf ought to be founded.

The case of the collector of Baltimore is the only one, amongst those referred to them, which, in the judgment of the committee, is attended with such obvious circumstances of hardship, and so striking inadequacy of compensation, as to justify extending to him specific and temporary relief. The present collector came into office near the commencement of the year 1808; and

it appears, from the official returns of his emoluments and expenditures, that his net emoluments for that and the two succeeding years have amounted to but \$1,180 57, being an average annual compensation for those years of but \$393 52; and, so far as can be ascertained from a comparative view of the official returns, it appears that the expenditures of that office have, during that period, been kept within as reasonable limits as circumstances would justify.

Under this view of the several cases referred to them, the committee recommend to the House the following resolutions:

1st. That the prayer of the several petitions of the collectors of the ports of Philadelphia, Norfolk, and Plymouth, (Massachusetts,) and of the naval officer of the port of Philadelphia, ought not to be granted.

2d. That there be allowed to James H. McCulloch, collector of the port of Baltimore, the sum of \$1,500, as a remuneration for services in his said office, during the years 1808, 1809, and 1810, for which his official emoluments were an inadequate compensation.

The committee beg leave further to report: That, in the course of the examinations which became necessary in relation to the merits of the particular cases under consideration, their attention has been drawn to the practical operation of those portions of the revenue laws which were designed to limit, within reasonable bounds, the net annual emoluments of the officers of the customs, in some of the principal ports of the Union.

By the third section of the act of Congress, passed on the 20th day of April, 1802, it is provided "that, whenever the annual emoluments of any collector of the customs, after deducting therefrom the expenditures incident to his office, shall amount to more than five thousand dollars, or those of a naval officer, after a like deduction, to more than three thousand five hundred dollars, or those of a surveyor, after a like deduction, to more than three thousand dollars, the surplus shall be accounted for, and paid by them, respectively, to the Treasury of the United States."

The principal items composing the aggregate of "expenditures incident to these offices," consist of clerk hire, stationery, office rent, and fuel; an account of which, those officers are now required by law to transmit, annually, to the Comptroller of the Treasury, to be by him laid before Congress. So long as the whole net amount of emoluments received by them, respectively, does not exceed the *maximum* which they are authorized to retain for their own compensation, the personal interest of the officer is undoubtedly a sufficient check against an unreasonable application of their gross emoluments for clerk hire and other official expenses. But, whenever the net amount comes to exceed that *maximum*, it is evident that the expenditures for those objects are liable to misapplication and abuse. In the branch of clerk hire, particularly, the establishment of an officer may be extended amongst his friends, connexions, and dependents, to a degree limited only by the amount of which the whole net emoluments of the office exceeded that to which the law has limited the personal compensation of the officer. The committee do not pretend to aver that any instances of such actual misapplication or abuse have been brought to their knowledge; but it is deemed their duty to state those of which the system, under present regulations, is susceptible. From the information received from the Treasury Department, it appears that no legal or practical check against such

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abuses now exists in that Department. It may, perhaps, be difficult to provide any which shall be entirely effectual. It has occurred to the committee, that some limitations upon the amount of clerk hire might properly be provided; that it should be made the duty of all custom-house officers to return to the Comptroller of the Treasury a specification of the number, names, and respective compensation, of all clerks employed by them; and giving to the accounting officers of the Treasury Department a power of revising the accounts of office expenditures, and disallowing such parts thereof as should appear to them unreasonable or improper. That all the emoluments arising from any agency employment, or office, attached to, or dependent on, any principal office in the customs, should be included in their general annual return of emoluments and expenditures—the returns heretofore made, as it is understood, not being uniform in this respect, some of the officers including those particular emoluments in their returns, and others omitting them. In illustration of the nature and extent of these emoluments, it is to be observed that all the collectors, in the ports where there are no surveyors, and the surveyors, in those ports where there are such officers, hold a separate commission of *inspector of the revenue for the port*, in virtue of which they are entitled to certain fees. One collector, in each State, under the act of April 6th, 1802, (for repealing the internal taxes) has been authorized to prepare certain certificates to accompany spirits, wines, and teas, imported, for which they receive certain fees. Sundry collectors are agents for the marine hospital, and superintendents of light-houses, for which they receive certain commissions on moneys expended by them. And whether it is within the intention of the law of the 30th of April, 1802, limiting the compensations of these officers, that such incidental emoluments should be included in that limitation, or not, it is equally proper that their annual amount should be known, and brought within the review and controlling powers of Congress.

Although the amount received by the custom-house officers, for their share of fines, penalties, and forfeitures, does not form a part of their ordinary emoluments, so as to subject this portion of them to the limitation, yet they ought, as it is conceived, to include them in their returns, and for this obvious reason, viz: that the same causes which may have much diminished the regular emoluments of those officers, may, and probably have, greatly increased the casual ones arising from this source. Another reason for requiring such returns is that of uniformity—some of the officers now including, and others omitting them.

Some regulations of this sort, designed to bring the official expenditures of the officers of the customs more immediately under the review of the Legislature, and the reasonable control of the Treasury Department, have suggested themselves to the committee, and have been incorporated into the bill, which, by order of the House, is herewith reported.

COMMITTEE ROOM, November 19, 1811.

SIR: The Committee of Ways and Means, to whom has been referred the several memorials of the collectors of Norfolk, Philadelphia, and Baltimore, praying for extra compensation for past services, and for an increase of the commissions attached to their offices, for the future, and which are herewith enclosed, have directed me to request of you the following information, viz:

1st. A statement of the gross emoluments and official

expenditures of the collector of Baltimore, from the year 1805, inclusive, to the present period.

2d. A similar statement in relation to the collectors of Philadelphia and Norfolk for the preceding quarters of the year 1811.

3d. A statement of the official expenditures of the three officers aforesaid, from the year 1807, inclusive, to the present period, noting distinctly, the nature of those expenditures, the number of clerks employed by each, with their respective salaries and compensations.

4th. Whether the official expenditures of the collectors (particularly that portion of them occasioned by clerk hire) may not, without inconvenience, be diminished in proportion to the corresponding diminution of the current official business and emoluments of the several officers.

5th. Whether the necessary actual duties of said officers have not, in a good measure, diminished in a corresponding proportion to the diminution of their net emoluments.

6th. What practical checks exist against the improper expenditure of money for clerk hire and other office expenditures, and what are the general rules adopted by the Treasury Department in relation thereto.

7th. Such information, tending to elucidate the subjects referred to the committee, as you may think proper to communicate.

I am, sir, with great respect, your obedient servant,
E. BACON.

HON. A. GALLATIN,
Secretary of the Treasury.

TREASURY DEPARTMENT,
December 2, 1811.

SIR: I have the honor to enclose the statements of emoluments and official expenditures of certain collectors, required by your letter of 19th ultimo, so far as the same are known at the Treasury.

I do not know the number and salaries of clerks employed by the collectors. No other returns are required from them by law, in that respect, than those which have been annually transmitted to Congress. The Treasury has no control over, or checks against, the employment of a superfluous number of clerks by those officers—the only check provided by law being the amount of their gross emoluments, out of which they must pay their clerks, office rent, fuel, stationery, &c. The expense of clerk hire may certainly be diminished when there is a great diminution of business; but this may decrease more suddenly than it is practicable to dismiss men in your employment. It is so much the interest of the collectors to reduce their expenses, when their profits are diminished, that it is probable that they have all done it as far as they could; but I cannot assert the fact of my own knowledge. I am of opinion that, under the restrictive laws, the personal and actual duties of the collectors have been increased, notwithstanding the diminution of business in other respects. That the three collectors, whose petitions you enclosed, have not, during the period of their services, received a compensation adequate to those services, appears to me evident. How far justice and policy may require that an additional allowance should be made to them on that account, is not a question for me to decide. I have the honor to be, &c.

ALBERT GALLATIN.

HON. E. BACON, *Chairman*
Committee of Ways and Means.

H. OF R.

Additional Military Force.

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TUESDAY, December 31.

Mr. MORROW, from the Committee on the Public Lands, presented a bill giving further time to the purchasers of public lands Northwest of the river Ohio to complete their payments; which was read twice, and committed to a Committee of the Whole on Monday next.

On motion of Mr. KENT,

Resolved, That the President of the United States be requested to cause to be laid before this House information whether tobacco, the growth of the United States, is admitted into Holland, and, if admitted, whether the administration, *en regie*, on that article, as it exists in France, extends to Holland and the Hanseatic Towns, and whether the tariff in Holland is the same as that in France.

Mr. KENT and Mr. ORMSBY were appointed a committee to present the said resolution to the President.

An engrossed bill for the revision of former confirmations, and for confirming certain claims to land in the District of Kaskaskia, was read the third time, and passed.

An engrossed bill providing for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States, was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed a bill "extending the time of certain patents granted to Robert Fulton;" as also a bill "for the establishment of a Quartermaster's Department; to which they desire the concurrence of this House.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting the estimates of appropriations for the year 1812; which were read, and referred to the Committee of Ways and Means.

Mr. POINDEXTER called for the consideration of the resolution which had been laid upon the table some days ago, calling upon the President for information whether any negotiation be now pending between the United States and Spain, or any other Power, respecting the claim of the United States to that part of the country of which possession was taken by virtue of the President's proclamation of October, 1810, &c., which was agreed to, and a committee appointed to wait upon the President therewith.

ADDITIONAL MILITARY FORCE.

The House resolved itself into a Committee of the Whole on the bill from the Senate to raise an additional military force; when,

Mr. D. R. WILLIAMS moved that the committee rise, and have leave to sit again, in order to take up the bill from the Senate, authorizing the President of the United States to raise certain companies of rangers for the protection of the frontiers of the United States; as, from information received, it was probable that this force would be immediately wanted, serious apprehensions being entertained of renewed hostilities from the Indian tribes on our frontier.

The Committee rose accordingly, and the

House resolved itself into a Committee of the Whole on the proposed bill. The bill was gone through, reported without amendment, read a third time, and passed.

The House then resumed the consideration, in Committee of the Whole, of the bill to raise an additional military force; when,

Mr. CLAY (the Speaker) moved to amend the bill by the following proviso:

"*Provided, however*, That officers for eight regiments only shall be appointed, until three-fourths of the privates of such eight regiments shall be enlisted, when the officers for the remaining five regiments shall, also, be appointed."

Mr. CLAY observed that a difference of opinion had arisen yesterday, whether the additional military force proposed to be raised ought to be fifteen thousand, or twenty-five thousand men; not so much, he believed, from a conviction that twenty-five thousand men would be too many, but from a dislike to the appointment of officers for the whole before they would be wanted, so as to have an army of officers without the requisite number of men for them to command. This objection would be obviated by the adoption of this amendment, for the officers for eight regiments would not be more than would be required for fifteen thousand men, had the friends of that number carried their point. And, as the whole twenty-five thousand men could not be got at once, the expense of the officers, whose appointment was proposed to be deferred, would be saved; and the officers for eight regiments would be fully sufficient for the recruiting service. He hoped, therefore, the amendment would be adopted.—Agreed to.

The CHAIRMAN was about to put the question on the Committee's rising, when

Mr. CLAY (the Speaker) said, that when the subject of this bill was before the House in the abstract form of a resolution, proposed by the Committee of Foreign Relations, it was the pleasure of the House to discuss it while he was in the Chair. He did not complain of this course of proceeding; for he did not at any time wish the House, from considerations personal to him, to depart from that mode of transacting the public business which they thought best. He merely adverted to the circumstance, as an apology for the trouble he was about to give the Committee. He was at all times disposed to take his share of responsibility, and, under this impression, he felt that he owed it to his constituents and to himself, before the Committee rose, to submit to their attention a few observations.

He saw, with regret, diversity of opinion among those who had the happiness generally to act together, in relation to the quantum of force proposed to be raised. For his part, he thought it was too great for peace; and, he feared, too small for war. He had been in favor of the number recommended by the Senate, and he would ask gentlemen who had preferred fifteen thousand, to take a candid and dispassionate review of the subject. It was admitted, on all hands, that it was a force to be raised for the purposes of war, and

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to be kept up and used only in the event of war. It was further conceded that its principal destination would be the provinces of our enemy. By the bill, which had been passed, to complete the peace establishment, we had authorized the collection of a force of about six thousand men, exclusive of those now in service, which, with the twenty-five thousand provided for by this bill, will give an aggregate of new troops of thirty-one thousand men. Experience in military affairs has shown that, when any given number of men is authorized to be raised, you must in counting upon the effective men which it will produce deduct one-fourth or one-third for desertion, sickness, and other incidents, to which raw troops are peculiarly exposed. In measures relating to war, it is wisest, if you err at all, to err on the side of the largest force, and you will consequently put down your thirty-one thousand men at not more than an effective force in the field of about twenty-one thousand. This, with the four thousand now in service, will amount to twenty-five thousand effective men. The Secretary of War has stated, in his report, that, for the single purpose of manning your forts and garrisons on the seaboard, twelve thousand six hundred men are necessary. Although the whole of that number will not be taken from the twenty-five thousand, a portion of it probably will be. We are told that, in Canada, there are between seven and eight thousand regular troops. If it is invaded, the whole of that force will be concentrated in Quebec, and will you attempt that almost impregnable fortress with less than double the force of the besieged? Gentlemen who calculate upon volunteers as a substitute for regulars, ought not to deceive themselves. No man appreciated higher than he did the spirit of the country. But, although volunteers were admirably adapted to the first operations of the war, to the making of a first impression, he doubted their fitness for a regular siege, or for the manning and garrisoning of forts. He understood it was a rule, in military affairs, never to leave in the rear a place of any strength undefended. Canada is invaded; the upper part falls, and you proceed to Quebec. It is true, there would be no European enemy behind to be apprehended; but the people of the country might rise; and he warned gentlemen, who imagined that the affections of the Canadians were with us, against trusting too confidently on a calculation, the basis of which was treason. He concluded, therefore, that a portion of the invading army would be distributed in the upper country, after its conquest, among the places susceptible of military strength and defence. The army, considerably reduced, sets itself down before Quebec. Suppose it falls? Here again will be requisite a number of men to hold and defend it. And, if the war is prosecuted still farther, and the lower country and Halifax are assailed, he conceived it obvious that the whole force of twenty-five thousand men would not be too great.

The difference between those who were for fifteen thousand, and those who were for twenty-five thousand men, appeared to him to resolve

itself into the question merely of a short or protracted war, a war of vigor, or a war of languor and imbecility. If a competent force be raised, in the first instance, the war on the Continent will be speedily terminated. He was aware that it might still rage on the ocean. But, where the nation could act with unquestionable success, he was in favor of the display of an energy correspondent to the feelings and spirit of the country. Suppose one-third of the force he had mentioned (25,000 men) could reduce the country, say in three years, and that the whole could accomplish the same object in one year, taking into view the greater hazard of the revulsion and defeat of the small force, and every other consideration, do not wisdom and true economy equally decide in favor of the larger force, and thus prevent failure in consequence of inadequate means? He begged gentlemen to recollect the immense extent of the United States; our vast maritime frontier, vulnerable in almost all its parts to predatory incursions, and he was persuaded they would see that a regular force of twenty-five thousand men was not much too great, during a period of war, if all design of invading the provinces of the enemy were abandoned.

Mr. C. proceeded next to examine the nature of the force contemplated by the bill. It was a regular army, enlisted for a limited time, raised for the sole purpose of war, and to be disbanded on the return of peace. Against this army all our Republican jealousies and apprehensions are attempted to be excited. He was not the advocate of standing armies; but the standing armies which excite most his fears are those which are kept up in time of peace. He confessed he did not perceive any real source of danger in a military force of twenty-five thousand men in the United States, provided for a state only of war, even supposing it to be corrupted and its arms turned, by the ambition of its leaders, against the freedom of the country. He saw abundant security against the success of any such treasonable attempt. The diffusion of political information among the great body of the people constituted a powerful safeguard. The American character has been much abused by Europeans, whose tourists, whether on horse or foot, in verse and prose, have united in depreciating it. It is true that we do not exhibit as many signal instances of scientific acquirement in this country as are furnished in the Old World; but he believed it undeniable that the great mass of the people possessed more intelligence than any other people on the globe. Such a people, consisting of upward of seven millions, affording a physical power of about a million of men, capable of bearing arms, and ardently devoted to liberty, could not be subdued by an army of 25,000 men. The wide extent of country over which we are spread was another security. In other countries, France and England for example, the fall of Paris or London is the fall of the nation. Here are no such dangerous aggregations of people. New York, and Philadelphia, and Boston, and every city on the Atlantic, might be subdued by an usurper, and he would

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have made but a small advance in the accomplishment of his purpose. He would add a still more improbable supposition, that the whole country east of the Alleghany was to submit to the ambition of some daring chief, and, he insisted, that the liberty of the Union would be still unconquered. It would find successful support from the West. We are not only in the situation just described, but a great portion of the militia—nearly the whole, he understood, of that of Massachusetts—have arms in their hands; and he trusted in God that that great object would be persevered in until every man in the nation could proudly shoulder the musket which was to defend his country and himself. A people having, besides one General Government, other local governments in full operation, capable of commanding and exerting great portions of the physical power, all of which must be prostrated before our Constitution is subverted. Such a people has nothing to fear from a petty, contemptible force of 25,000 regulars.

Mr. C. proceeded more particularly to inquire into the object of the force. That object, he understood, to be war, and war with Great Britain. It had been supposed, by some gentlemen, improper to discuss publicly so delicate a question. He did not feel the impropriety. It was a subject, in its nature, incapable of concealment. Even in countries where the powers of Government were conducted by a single ruler, it was almost impossible for that ruler to conceal his intentions when he meditates war. The assembling of armies, the strengthening of posts, all the movements preparatory for war, and which it was impossible to disguise, unfolded the intention of the Sovereign. Does Russia or France intend war? the intention is almost invariably known before the war is commenced. If Congress were to pass a law, with closed doors, for raising an army for the purpose of war, its enlistment and organization, which could not be done in secret, would indicate the use to which it was to be applied; and we cannot suppose England would be so blind as not to see that she was aimed at. Nor could she, did he apprehend, injure us more by thus knowing our purposes than if she were kept in ignorance of them. She may, indeed, anticipate us, and commence the war. But that is what she is, in fact, doing, and she can add but little to the injury which she is inflicting. If she choose to declare war in form, let her do so, the responsibility will be with her.

What are we to gain by war, has been emphatically asked? In reply, he would ask, what are we not to lose by peace?—commerce, character, a nation's best treasure, honor! If pecuniary considerations alone are to govern, there is sufficient motive for the war. Our revenue is reduced, by the operation of the belligerent edicts, to about six million of dollars, according to the Secretary of the Treasury's report. The year preceding the embargo, it was sixteen. Take away the Orders in Council, it will again mount up to sixteen millions. By continuing, therefore, in peace, if the mongrel state in which we are deserve that de-

nomination, we lose annually, in revenue only, ten millions of dollars. Gentlemen will say, repeal the law of non-importation. He contended that, if the United States were capable of that perfidy, the revenue would not be restored to its former state, the Orders in Council continuing. Without an export trade, which those orders prevent, inevitable ruin would ensue, if we imported as freely as we did prior to the embargo. A nation that carries on an import trade without an export trade to support it, must, in the end, be as certainly bankrupt, as the individual would be, who incurred an annual expenditure, without an income.

He had no disposition to swell, or dwell upon the catalogue of injuries from England. He could not, however, overlook the impressment of our seamen; an aggression upon which he never reflected without feelings of indignation, which would not allow him appropriate language to describe its enormity. Not content with seizing upon all our property, which falls within her rapacious grasp, the personal rights of our countrymen—rights which forever ought to be sacred, are trampled upon and violated. The Orders in Council were pretended to have been reluctantly adopted as a measure of retaliation. The French decrees, their alleged basis, are revoked. England resorts to the expedient of denying the fact of the revocation, and Sir William Scott, in the celebrated case of the *Fox* and others, suspends judgment that proof may be adduced of it. And, at the moment when the British Ministry through that judge, is thus affecting to controvert that fact, and to place the release of our property upon its establishment, instructions are prepared for Mr. Foster to meet at Washington the very revocation which they were contesting. And how does he meet it? By fulfilling the engagement solemnly made to rescind the orders? No, sir, but by demanding that we shall secure the introduction into the Continent of British manufactures. England is said to be fighting for the world, and shall we, it is asked, attempt to weaken her exertions? If, indeed, the aim of the French Emperor be universal dominion (and he was willing to allow it to the argument,) what a noble cause is presented to British valor. But, how is her philanthropic purpose to be achieved? By scrupulous observance of the rights of others; by respecting that code of public law, which she professes to vindicate, and by abstaining from self-aggrandizement. Then would she command the sympathies of the world. What are we required to do by those who would engage our feelings and wishes in her behalf? To bear the actual cuffs of her arrogance, that we may escape a chimerical French subjugation! We are invited, conjured to drink the potion of British poison actually presented to our lips, that we may avoid the imperial dose prepared by perturbed imaginations. We are called upon to submit to debasement, dishonor, and disgrace—to bow the neck to royal insolence, as a course of preparation for manly resistance to Gallic invasion! What nation, what individual was ever taught, in the schools of igno-

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minious submission, the patriotic lessons of freedom and independence? Let those who contend for this humiliating doctrine, read its refutation in the history of the very man against whose insatiable thirst of dominion we are warned. The experience of desolated Spain, for the last fifteen years, is worth volumes. Did she find her repose and safety in subservieney to the will of that man? Had she boldly stood forth and repelled the first attempt to dictate to her Councils, her Monarch would not now be a miserable captive at Marseilles. Let us come home to our own history. It was not by submission that our fathers achieved our independence. The patriotic wisdom that placed you, Mr. Chairman, said Mr. C., under that canopy, penetrated the designs of a corrupt Ministry, and nobly fronted encroachment on its first appearance. It saw beyond the petty taxes, with which it commenced, a long train of oppressive measures terminating in the total annihilation of liberty; and, contemptible as they were, did not hesitate to resist them. Take the experience of the last four or five years, and which, he was sorry to say, exhibited in appearance, at least, a different kind of spirit. He did not wish to view the past further than to guide us for the future. We were but yesterday contending for the indirect trade—the right to export to Europe the coffee and sugar of the West Indies. To-day we are asserting our claim to the direct trade—the right to export our cotton, tobacco, and other domestic produce to market. Yield this point, and to-morrow intercourse between New Orleans and New York—between the planters on James river and Richmond, will be interdicted. For, sir, the career of encroachment is never arrested by submission. It will advance while there remains a single privilege on which it can operate. Gentlemen say that this Government is unfit for any war, but a war of invasion. What, is it not equivalent to invasion, if the mouths of our harbors and outlets are blocked up, and we are denied egress from our own waters? Or, when the burglar is at our door, shall we bravely sally forth and repel his felonious entrance, or meanly skulk within the cells of the castle?

He contended that the real cause of British aggression, was not to distress an enemy but to destroy a rival. A comparative view of our commerce with England and the continent, would satisfy any one of the truth of this remark. Prior to the embargo, the balance of trade between this country and England, was between eleven and fifteen millions of dollars in favor of England. Our consumption of her manufactures was annually increasing, and had risen to nearly \$50,000,000. We exported to her what she most wanted, provisions and raw materials for her manufactures, and received in return what she was most desirous to sell. Our exports to France, Holland, Spain, and Italy, taking an average of the years 1802, 3, and 4, amounted to about \$12,000,000 of domestic, and about \$18,000,000 of foreign produce. Our imports from the same countries amounted to about \$25,000,000. The foreign produce exported con-

sisted chiefly of luxuries from the West Indies. It is apparent that this trade, the balance of which was in favor, not of France, but of the United States, was not of very vital consequence to the enemy of England. Would she, therefore, for the sole purpose of depriving her adversary of this commerce, relinquish her valuable trade with this country, exhibiting the essential balance in her favor—nay, more; hazard the peace of the country? No, sir, you must look for an explanation of her conduct in the jealousies of a rival. She sickens at your prosperity, and beholds in your growth—your sails spread on every ocean, and your numerous seamen—the foundations of a Power which, at no very distant day, is to make her tremble for naval superiority. He had omitted before to notice the loss of our seamen, if we continued in our present situation. What would become of the one hundred thousand, (for he understood there was about that number) in the American service? Would they not leave us and seek employment abroad, perhaps in the very country that injures us?

It is said, that the effect of the war at home will be a change of those who administer the Government, who will be replaced by others that will make a disgraceful peace. He did not believe it. Not a man in the nation could really doubt the sincerity with which those in power have sought, by all honorable, pacific means, to protect the interests of the country. When the people saw exercised towards both belligerents, the utmost impartiality; witnessed the same equal terms tendered to both; and beheld the Government successively embracing an accommodation with each in exactly the same spirit of amity, he was fully persuaded, now that war was the only alternative left to us by the injustice of one of the Powers, that the support and confidence of the people would remain undiminished. He was one, however, who was prepared (and he would not believe that he was more so than every other member of the Committee) to march on in the road of his duty, at all hazards. What! shall it be said that our *amor patriæ* is located at these desks—that we pusillanimously cling to our seats here, rather than boldly vindicate the most inestimable rights of the country? Whilst the heroic Daviess and his gallant associates, exposed to all the perils of treacherous savage warfare, are sacrificing themselves for the good of their country, shall we shrink from our duty?

Mr. C. concluded, by hoping that his remarks had tended to prove that the quantum of the force was not too great—that in its nature it was free from the objections urged against it, and that the object of its application was one imperiously called for by the crisis.

Mr. WIDGERY said, there was no disagreement of opinion in the House about asserting the rights of the country; gentlemen disagreed only as to the mode of doing it. He was sorry that the gentleman who had just made so handsome an address on the subject before the Committee, had not cast a single glance at the volunteer corps, which was yesterday under consideration. The militia

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of this country, he said, had heretofore been considered as the great bulwark of our defence; and it was still so considered in the Eastern States. The militia of that part of the Union were always ready to perform any service to which they might be called. They are an army of themselves. They are not, like the militia in some other parts of the country, called out to exercise with cornstalks. Every man has his musket in good order, and the service of a militiaman is there considered an honorable service. For himself, he was in favor of raising volunteer corps, in preference to regulars, and he knew not why that bill had been laid aside to take up this. He knew they would be much more easily raised. On being properly addressed, by a beloved officer, he had no doubt that one half or three-fourths of many regiments would offer their services as volunteers; but, if that officer went among the same men in the character of an officer of the new army, he would not be able to get ten men. He was opposed, at all events, to the passing of a bill for raising a large army; for he believed as many men would be got by an act for raising six or ten thousand men, as by one for raising twenty-five thousand.

The honorable Speaker had said, that if the towns of Philadelphia, New York and Boston, were to be captured by the enemy, that liberty would still remain. But where? On the rear, he supposed. God deliver him from such liberty. There was no necessity, said Mr. W., for all this trouble about raising a regular army for taking Canada. The militia of the New England States only wanted authority to do the business—give the word of command, said he, and the thing will be done. If the bill before the House was passed, there would be no difficulty in getting the officers; but the ship's crew would not be so easily come at. He was against relying upon regulars for protection; if this was to be the reliance, he should want his property insured. We may, said he, get ourselves into a war fever here, and pass a law for raising a large regular army, but he would sooner depend upon volunteers—the militia of the country. Mr. W. read statements to show the support which the New England States afforded in the Revolution, and concluded with observing, that the strength of the country lay in the New England States. When difficulties come, said Mr. W., the militia will be called upon; and it might be well to let them know now, that they are not forgotten. But, for his part, though gentlemen talked much about war, he did not expect the country would get to war. We shall find gentlemen voting for this bill, who will not vote for going to war. We are not at present in a state of war, and there is a bare possibility we may still escape it. He was, however, willing to raise fifteen thousand regulars, and rely upon volunteers and militia for the rest; and in addition to their pay, he was willing to give our citizens, who should thus engage to fight our battles, a liberal bounty in land. We had plenty of it, and it could not be better disposed of.

Mr. BORD.—Mr. Chairman, I understand that

there is a motion made for the Committee to rise and report the bill to the House. If it be in order, I have some observations to make to the Committee before that is done. I do not perceive that there is any necessity for such haste; it is an old proverb, that in the multitude of council there is safety. The gentleman who has just sat down (Mr. CLAY) has asked a number of questions, and called on gentlemen to answer them. Among other things, if I have rightly understood him, he asks what we have to lose by war, and what we have to gain by peace? These questions I will try to answer; but, before I do so, I will say that he has given us a flow of eloquence and animation seldom equalled, and stated facts and truths not to be denied or gainsaid. I understand him to say, that the number of men proposed by the bill was too few for war, and too many for peace; but, withal, showing the absolute propriety of war. Mr. Chairman, the war spirit is high; perhaps it will not be amiss to infuse a little caution into it. It is contended that we must have war. But will it not be advisable for us to see where we can operate so as to secure the end proposed? Short of this, you do nothing. You spend your blood and treasure to no purpose. I will ask, where will you operate on that Power so as to effect your purpose—a repeal of her Orders in Council? Not on the high seas? If there, with what force? Your six or ten frigates, and some gunboats? No, sir; it is confessed on all sides that there she is superior. Well, but we will make her feel; we will march to Canada; reduce the Canadas and Halifax, and drive her from the Continent. Is it not proper to inquire, when you are raising an army for such purposes, to know what number would be sufficient? Some gentlemen have told me three thousand; some say ten; some fifteen; some twenty-five; some fifty thousand. Be it so; you have the men to raise, clothe, and march. I will ask, can it be done in secret, or in six months? Surely not. What will your enemy be doing all that time? Will she look on quietly, and make no resistance? Is victory sure; and, if it was, would that procure the end for which you contend? Not at all. You acknowledge that the wrongs are committed on the high seas; and will you bring her to terms by an attack of her provinces by land? But you are to show the spirit of the nation by retaliation. Would to God it was in our power; there is no man feels more indignant at her multiplied wrongs on our lawful commerce than I do; but but the question returns, where shall we find our remedy? I answer, not in the conquest of the Canadas. I will suppose your army marched; Upper Canada taken; you arrive at the walls of Quebec, and you should be defeated—and that is at least possible—how, then, are you situated? Regular troops in your rear, Canadians in your front, Indians on your wings, where or how will you perform a retreat? You could not go forward, and you cannot get back; and, if you could, must not your enemies cross the line into our territory? Will they respect the line from your example? How, then, stands the situation of our States of

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New Hampshire, Vermont, New York, and the whole range of our Northwest frontier from Quebec to the Mississippi? Sir, it is painful in the extreme for me to say these things, and I do it with reluctance; but, in my conscience, I conceive it to be an imperious duty to warn my countrymen to look at consequences. But, it is contended that there is no medium between war or ignominious submission. I think far otherwise. I am no submission man. I was not so in the Revolutionary war, and I think I am not so now. I opposed the British then with the greatest energy that I was master of, and I would do so at this time; but here the question returns, what is proper? Not the measures that we are about to adopt. If my enemy cuts my finger, am I, in order to show my spirit, to plunge a dagger into his bosom? No, sir; I am no such duellist. Adhere to the measures that are proposed, and you do so to our country; and I cannot have the most distant expectation that they will procure the thing contended for; nor can I believe that it can enter into the head of any member of this Committee that it will. No, sir; there must be something hollow somewhere; where, I cannot tell; you are to have an army of officers, not men, as it was in the Revolutionary war; for some of the States, at particular times, had hardly men enough to make waiters for the officers, to ride behind them about the country; though I do not compare those times with the present, or what we are now about. Sir, it is an easy thing to show our valor and spirit in this gilded Hall; but, take my word for it, that five years expensive war will cool that spirit. At one time we take the Canadas, with a few men, in a single campaign; and, at another, we hear of five years protracted war. Five years protracted war! Spending twenty or thirty millions per annum, for what? The liberty of exporting, without interruption, our surplus produce, which is our natural right. Granted. But will not war prevent that export and operate as an embargo? Where or how will you export during the continuance of the war? We now export to the amount of many millions, and import so as to have ten or twelve millions revenue. Where or what will be your revenue in the time of your war embargo for five years? Your people, in that situation, cannot pay a direct tax to feed and clothe your army. They will begin to inquire what all this is for? Contracting one hundred millions of debt. If our spirits are high, the people's will be cooled down. Sir, I am afraid that we are about to sap the foundations of our happy Government.

Sir, I will state another case. Suppose your fifty thousand men in Canada, and the British send five or six ships of the line, with five or six thousand troops on board, and land them in the Floridas, Amelia Island, or some parts of Georgia, how would you repel them? Draw back your troops and march them to the South? Before you could do that one of the States might be overrun and plundered. Let us turn our eyes to Europe, and see what is transacting there, by way of contrast. The French Emperor, with seventy

millions of people, rich in resources, with a considerable naval force, and absolute dictator, has he, with all his force, been able to cause England to repeal her paper blockade or Orders in Council? On the other hand, has Great Britain, with the aid of the Northern Powers, been able to subdue France? Has she, by her superior naval strength, been able to make France repeal her decrees? No. And will you, whilst she possesses twelve millions of population, with a naval force that governs the seas, reduce her to our terms by such force as we possess? No, sir; the thing is preposterous. Her interest it is that must make her do us justice; and I trust that it will, if we act wisely. Submission, submission, is the word that is to work us up to a frenzy. How have we submitted? Have we not contended for our right, by negotiation, these five years past? What right have we relinquished? None. Has she said that we demanded an unjust thing? No; her answer is, that in her desperate conflict she cannot. The embargo and non-intercourse are now called submission. Did they not bring Great Britain to form an arrangement, acknowledging our right, through the medium of Mr. Erskine; and do we not know that he had power so to do? They have impressed our seamen, and they must be relieved. Well, and how is this to be done? By taking Canada and by our privateers. If there is war, there will be fighting; and, whilst they are strongest at sea, the presumption is, that they will take more than we shall. Sir, let me state, that for ten years past, deduct all your losses, and then we have reserved more for our produce than we should have done had Europe been in peace, and we had enjoyed all our rights. Another idea strikes me. If our enemy is in the North, the merchant at Georgetown or Alexandria has a thousand barrels of beef, or pork, or flour—so soon as there is war, the price of provisions will be doubled in Europe. He clears out for New York; so soon as he is out, he is blown off; your enemy fed; the price of rations doubled on us; you will have to pay as high for every ration as it will command abroad. The honorable Speaker has gone far, indeed, in his zeal for rights. He has said, let the enemy seize and lay New York, Philadelphia, and Boston in ashes; nay, let them overrun the whole country east of the Alleghany, and liberty would retire to the West, and live and flourish there. It may be so, but it is too high a price for me; I have no inclination of going there; and it would be poor consolation to me, after everything that was near and dear to me and my people were destroyed. Sir, we have a Chief Magistrate, and I have full confidence in him. He is chosen by a population of seven millions of people; he has asked or recommended ten thousand men to be raised; that number I will vote for, and not higher, at this time. These short observations I have conceived it to be my duty to make.

The Committee rose and reported the bill, with amendments; but the usual hour of adjournment having arrived, the House declined taking up the report. :

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WEDNESDAY, January 1, 1812.

Mr. JENNINGS presented a petition of the Legislature of the Indiana Territory, praying that the inhabitants of that Territory may be authorized and empowered to elect the sheriffs of their respective counties.—Referred to the Committee of the Whole.

Mr. JENNINGS, also, presented another petition of the Legislature of the Indiana Territory, praying that the said Territory may be erected into a separate and independent State, and that such State may be admitted into the Union on an equal footing with the original States.—Referred to a select committee.

Mr. JENNINGS, Mr. JOHNSON, Mr. RHEA, Mr. ROANE, Mr. REED, Mr. LACOCK, and Mr. DAVENPORT, were appointed the committee.

Mr. LEWIS, from the Committee for the District of Columbia, to whom was referred the petition of sundry inhabitants of Washington county, west of Rock Creek, presented a bill concerning the Levy Court of Washington county, in the District of Columbia; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. MACON presented resolutions of the General Assembly of the State of North Carolina, approbatory of the sentiments contained in the President's Message to Congress at the commencement of the present session, and declaring that the evils which the nation has endured have arisen wholly from the unprincipled conduct of the European belligerents, and that they will support the General Government in such measures as may be adopted to promote the interest and secure the union, liberty, and independence of the United States; which were read, and ordered to lie on the table.

The SPEAKER laid before the House the annual report of the Secretary of the Navy, of the application of the moneys drawn from the Treasury for the use of the Navy Department for the last year.—Referred to the Committee of Ways and Means.

Mr. MITCHELL wished to make a motion relative to the settlement of estates of certain persons, under the act, now expired, for establishing a uniform system of bankruptcy. Owing to the repeal of that law, though a provision was made in the repealing act for cases not then fully completed under the bankrupt act, certain difficulties had arisen, which he believed it would require a supplementary act to adjust. Mr. M. stated that there were some cases within his knowledge, in which some very important estates could not be settled without some further provision being made by law. He, therefore, moved the following resolution, which was adopted, and a committee of three members appointed to make the inquiry:

“Resolved, That a committee be appointed to inquire whether any, and what, provision ought to be made by law for the relief of creditors under the act for establishing a uniform system of bankruptcy throughout the United States and that they be authorized to report by bill or otherwise.”

Mr. SMILIE observed that it had been customary heretofore for the two Houses to pay their respects to the President of the United States on the first day of the new year; and the hour for doing this having arrived, he moved that the House adjourn.

The yeas and nays were called on this motion; they were taken, and the question was lost, 56 to 50.

ADDITIONAL MILITARY FORCE.

The order of the day being called for, the House took up the amendments of the Committee of the Whole to the bill from the Senate for raising an additional military force.

Having come to the amendment which proposed that the officers for eight regiments only should be appointed, until three-fourths of the men were enlisted,

Mr. BURWELL moved to amend the amendment by striking out the words “eight regiments,” and inserting “six.”

Mr. WRIGHT hoped this amendment would not prevail. He considered this as a war measure, and if we were to economize in this way at the commencement of the business, he should not calculate upon our acting with effect. Our country was too important, and our rights too sacred, to be frittering down measures for their defence in the manner proposed. In proportion, said he, as the commissioned officers are appointed will the recruiting progress. These officers will inspire the people, in the several parts of the country from which they may be taken, with a military spirit, which will induce them to enlist into the service. He liked the bill better before it had received its present limitation as to the appointment of the officers; but, as the Committee had agreed thus to amend the bill, he did not wish to stir the subject again. He hoped, however, the reduction would not be carried any further.

Mr. BURWELL observed that the gentleman from Maryland had called upon the House not to consent, from motives of economy, to fritter away our measures of defence. If, said Mr. B., the House should determine to appoint all the officers, as at first proposed, I shall be ready to go with that gentleman, and others, as far as practicable. But, he thought, there was a great difference between expending the public money uselessly, and in such way as to obtain the object in view at the least expense. But, the gentleman says that, if all the officers are appointed at once, the ranks will be much sooner filled than in the way proposed by this amendment. How, said Mr. B., can this be shown? It is well known that these officers will do nothing towards raising the men, and the President can at any time appoint them when they may be wanted. He had not made this motion to diminish the effect of the bill, (for he believed the men would be obtained as soon without these officers as with them,) but in order to make the bill more palatable to many gentlemen who at present object to it on the score of expense. If the twenty-five thousand men could be raised by enacting the law,

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there would be propriety in appointing the officers at once; but no man can believe that four or five thousand men will be enlisted in four or five months; and, as the President will have the power to appoint the officers whenever they shall be wanted, no inconvenience can arise from deferring the appointments till that time. And it is, besides, probable that the President will have it in his power to make better appointments than now, from having more time in which to make the proper selection of characters for the purpose. It ought to be recollected that one-third of the expense of the support of this army, goes to the payment of its officers, and if they were to be appointed immediately, this expense would be incurred without producing any benefit to the country.

On the subject of economy, Mr. B. said, while we took measures for raising a force adequate to the purposes we had in view, care ought to be taken that no money is unnecessarily expended. The raising of funds would put the country to some difficulty, but he had no doubt the expense would be cheerfully met by the people, when they see that no unnecessary expense is incurred.

After a few words from Mr. WRIGHT, the amendment was carried, there being fifty-seven members in favor of it.

Mr. NELSON said he did not wish to throw any embarrassment in the way of raising the army proposed, but he believed that it would be unnecessary at the commencement of the business to appoint all the officers now contemplated. It was well known that the efficient officers in raising troops are the captains and subalterns. The field officers being of no use until the men are raised, it might be well to defer their appointment until that time. He moved, therefore, to amend the bill by adding the following provision:

"That so many of the officers shall be commissioned at first, and so on from time to time, as the Executive may believe necessary for raising the troops."

The SPEAKER declared this motion not in order, at present, but that, when the amendments were gone through, and the bill was before the House, the gentleman from Virginia would have an opportunity of introducing it.

Another motion was made to adjourn, and the yeas and nays called upon it.—Lost by a larger majority than before.

All the amendments having been considered, and others introduced, the question recurred on ordering the bill to be engrossed for a third reading; but, several members expressing a desire to see the bill, as amended, printed, before they gave a vote upon it, a motion was carried for it to lie on the table, in order to make way for another to have it printed, which was accordingly made and carried.—Adjourned.

THURSDAY, January 2.

The SPEAKER announced a bill from the Senate extending the time of certain patents granted to Robert Fulton, which was twice read, and committed; though not without some objections.

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Mr. ALSTON stated it to be a very extraordinary thing that an application should be made for an extension of a patent which had not been granted more than two years. After some remarks from Mr. MITCHELL, in favor of the extension, the bill was suffered to take the usual course.

Mr. WRIGHT called up for consideration a resolution which he had laid upon the table some days ago, proposing the appointment of a committee to bring in a bill for the protection, recovery, and indemnification of American seamen. It was accordingly taken up, agreed to, and a committee of five members appointed, viz: Mr. WRIGHT, Mr. BAKER, Mr. PIPER, Mr. TALLMADGE, and Mr. STURGES.

Mr. McKEE stated to the House, that as Chairman of the Committee on Indian Affairs, he had received a letter from the Secretary of War on a subject which did not come properly before that committee, but belonged to the Committee of Commerce and Manufactures. This letter complains of the want of goods proper for the Indian Department, and suggests the propriety of making an exception in the non-importation law in favor of these goods. Mr. McKEE, in conformity with this letter, offered the following resolution, which, with the letter of the Secretary of War, he wished might, for the present, lie upon the table, until members shall have had an opportunity of considering the subject:

"Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of authorizing, by law, the introduction into the United States of such foreign goods as may be necessary for the usual supply of the Indian Department."

Ordered to lie on the table.

Mr. BASSETT wished to make a motion on the subject of a claim which had been before Congress for twenty-four years, and which, therefore, ought to be decided upon. Much difficulty, no doubt, had attended the investigation; but, nevertheless, if the claim be a just one, it ought to be allowed, or, if otherwise, rejected. In order to obtain this object, he proposed the following resolution:

"Resolved, That the Committee of Claims be instructed to inquire into the expediency of referring the claim of Beaumarchais' heirs to some court of the United States, in form of a case agreed between the Attorney General and the agent of the said claim, or in such other form as may be agreed on by the Attorney General and the said agent."

After some objections from Messrs. FISK, PIRKIN, QUINCY, and ALSTON, the resolution was negatived. It was stated to be a novel procedure; that if this claim were to take the proposed direction, there were hundreds of others might follow it. It was hoped that Congress would never send any claim made upon the Government to be decided in her courts. This, said Mr. ALSTON, "would be throwing the independence of the country at the feet of the Judiciary." This claim, though it appeared in the name of an individual, it was stated was more in the nature of a claim of the French Government upon the Government of this country, than an individua

claim. The Committee of Claims, at all events, ought to come to a decision upon this subject, without attempting to remove the settlement to any other tribunal.

ADDITIONAL MILITARY FORCE.

The House then took up the order of the day, which was the bill from the Senate to raise an additional military force.

Mr. WRIGHT moved to amend the bill, by adding thereto a new section, providing "that the officers appointed by virtue of this act shall, respectively, receive their commissions during such term only as the President of the United States shall deem necessary; and it shall be the duty of the President to discharge such officers whenever their services are no longer wanted. And that no general, field or staff officer, who may be appointed under this act, shall be entitled to receive any pay or emolument until called into actual service, nor for any longer time than he shall remain therein."

This amendment was carried, there being sixty-nine members in favor of it.

Mr. BIBB moved further to amend the bill, by adding to the end of the first section, to the words which provide that after three-fourths of the privates requisite to complete six regiments have been enlisted, the commissioned officers for the remaining seven regiments shall be appointed, "unless circumstances shall, in the opinion of the President, render the appointment of officers to the seven regiments, or any part thereof, unnecessary; in which event, he shall determine what part shall be appointed."

Mr. SMILIE said, that if this amendment were agreed to, he would vote for the bill, otherwise he could not. He had himself prepared an amendment to the same effect. He had been in favor of raising ten thousand men, in conformity with the recommendation of the Executive; but, for the sake of unanimity in the Committee of Foreign Relations, he had consented, contrary to his judgment, to raise fifteen thousand. But there was a majority of Congress, it appeared, in favor of raising twenty-five thousand men. Nor, until to-day, had there been any disposition shown to depart from that number. Now, an amendment is proposed, leaving it discretionary with the President to raise the additional number of men, if circumstances should be such as to require them. He was willing to confide this power with the President, but farther than this, he was not willing to go.

Mr. BIBB would give a single reason only in favor of his amendment. It is the province of Congress to declare war; and whenever this body has agreed upon the object for which a military force shall be employed, it becomes their duty to call upon the Executive, or Secretary of War, for information as to the number of men requisite to be raised. By adopting the proposed amendment, six regiments will be immediately raised in addition to our present military force, and we put it in the power of the Executive to raise seven more regiments, if they deem it necessary. He

wished to place this responsibility upon them, as being the best judges of the quality of men requisite for accomplishing the object in view.

Mr. GRUNDY had not intended to take any part in this discussion; but, when he saw an attempt made which he thought went to sacrifice the best interests of his country, he could not help raising his voice against it; and if he stood alone in the opposition, he should be proud of his singularity. The Constitution, said Mr. G., has divided the powers of the Government into different departments, and each ought to perform the duties allotted to it. It is made the duty of Congress to declare war and raise armies. But, if this amendment be agreed to, the President will have the power of speaking armies into existence, and again of speaking them out of existence. The peace of the country will be placed in the power of an individual. We have, said he, full confidence in the present Chief Magistrate; but the time may come, when we shall be unwilling to place this power in the person filling the office of the President of the United States. We ought, therefore, to be careful how we make precedents of so dangerous a nature. He had always thought it one of the strongest objections to Mr. Adams's Administration, that so much power was constantly given to the Executive. Indeed, if he had any objection to our excellent Constitution, it was on account of the very great powers placed in the Executive.

Mr. G. said, he was opposed to this amendment on another ground. He was against throwing the responsibility which ought to remain with Congress upon the President. If war is to be made, we ought to make it; and if it be our business to make war, it is our business to raise armies. We are the best judges of the kind of force which it is fitting to employ. But if we go on in this way, putting everything on the Executive, what kind of a farce shall we exhibit to the world! The Senate have thrown an army upon us, and we are about to throw it upon the President, and then we shall be just where we begun. Conceiving that Congress is the proper power to act on this subject, he should vote against all propositions which went to shift the responsibility from those who ought to bear it; and that he might have an opportunity of showing his vote on this occasion, he called for the yeas and nays upon the question.

The yeas and nays were taken accordingly, as follows:

YEAS—Ezekiel Bacon, Josiah Bartlett, William W. Bibb, William Blackledge, Harmanus Bleecker, Thomas Blount, Adam Boyd, James Breckenridge, Robert Brown, William Butler, John C. Calhoun, Epaphroditus Champion, Matthew Clay, Lewis Condit, William Crawford, Joseph Desha, Samuel Dinsmoor, William Findley, Meshack Franklin, Thomas R. Gold, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard Jackson, jun., Richard M. Johnson, Joseph Kent, William R. King, Aaron Lyle, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, Arunah Metcalf, James Morgan, Anthony New, Thomas Newbold, Stephen Ormsby, William

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Paulding, jun., Israel Pickens, William Piper, Benjamin Pond, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, John Smilie, George Smith, William Strong, John Taliaferro, Uri Tracy, Robert Whitehill, Wm. Widgery, and Robert Wright—57.

NAVS—Willis Alston, junior, William Anderson, Stevenson Archer, Daniel Avery, John Baker, David Bard, Burwell Bassett, Abijah Bigelow, Elijah Brigham, Langdon Cheves, Martin Chittenden, James Cochran, John Clopton, John Davenport, jun., Roger Davis, John Dawson, William Ely, James Emmott, James Fisk, Asa Fitch, Thomas Gholson, Felix Grundy, Philip B. Key, Abner Lacock, Lyman Law, Joseph Lefever, Joseph Lewis, jun., Peter Little, William Lowndes, Nathaniel Macon, Archibald McDryde, Alexander McKim, Samuel L. Mitchell, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Thomas Newton, Joseph Pearson, Timothy Pitkin, jun., Peter B. Porter, Elisha R. Potter, Josiah Quincy, William Reed, Samuel Ringgold, John Rhea, John Roane, William Rodman, Thomas Sammons, John Sevier, Adam Seybert, Daniel Sheffey, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, George Sullivan, Samuel Taggart, Peleg Tallman, George M. Troup, Charles Turner, jun., Pierre Van Cortlandt, jun., Laban Wheaton, Leonard White, David R. Williams, Thomas Wilson, and Richard Winn—66.

Mr. SMILIE moved to add the following words to the end of the first section of the bill, "if in the opinion of the President the public service shall require such appointments to be made."

Mr. KINDLEY—Mr. Speaker, I have voted for every amendment that was calculated to lessen the nominal amount of the army proposed to be raised by the bill from the Senate; but I have not engaged in debate, nor moved any amendment of my own. I will, however, vote for this amendment, proposed by my colleague (Mr. SMILIE), as I have done for others of the same import, not, sir, with a view to lessen the effective force of the proposed army, but to increase it. The effective force of an army depends on the number of fighting men, and not on the number of regiments on paper. Officers must and ought to be paid and otherwise supported agreeably to their rank; but they cannot fight our battles without a competent number of privates under their command. I believe such a number cannot be obtained by enlistment in the United States in any given time we can prescribe. There are not in the United States twenty-five thousand men, in addition to the present establishment, which requires several thousand to render it complete, who are disposed to enlist as private soldiers, subject to military discipline, or that stand in need of that resort for support.

Mr. Speaker, I am now an old man, and have had much opportunity for observation. The enlistment of soldiers came early under my notice. I have paid attention to its progress, both in Britain and in the United States; and, from observation and experience, I am convinced that the United States contain very few of such people as usually enlist to fill the armies of Europe. We have none that are obliged from necessity to enlist in order to obtain bread. I think that I may

appeal to every member who hears me to support my assertion, that no man in the United States, who is industrious, is under the necessity of enlisting for that purpose. Labor is well paid for; those who are obliged to labor for hire are well paid and well fed. They are under no necessity of enlisting to obtain a livelihood, and few of them will do it of choice. I know that men, very worthless at home, have, under military discipline, become excellent soldiers. But these are very few in number, and probably most of them already engaged; and we know they have not filled the ranks of our present Army.

The nations of Europe, with whom we have relations, are otherwise situated. At all times there, they have thousands who find great difficulty in earning their bread, and who, with their families, live on a very scanty and uncertain maintenance. But, when war commences, the manufactories and usual channels of commerce are deranged: and, by this means, thousands of men are thrown out of employment, who are unfit for any other business but that small branch of mechanical labor to which they had been accustomed. To these, enlistment in the army affords a comfortable retreat from starvation. Happily, the United States have no such class of society.

Mr. Speaker, I hope that these observations will not be considered as intended to cool our ardor in procuring redress for the wrongs we have suffered. They are intended to invigorate our effective exertions—they are intended to prevent a deceptive support. No alternative for war is now proposed by any member. I want to engage in war, if it cannot be avoided, in such a manner as we can support it with honor. I want to bring all our force into action in the manner in which the people are willing to act. I wish to enlist into the proposed regular army, all who can be enlisted into it. I consider the militia as the great reserve on the back ground, and a very valuable reserve they are. I wish the bill calling into service the volunteers, which was laid aside a few days since, passed into a law. I wish that men should also be raised on short enlistments. Every member who hears me, sir, and who attended to the progress of the only war in which the United States, as a nation, were ever engaged, knows the use of all those different kinds of force. Those who conducted us through the Revolution, employed every kind of force which the country would willingly produce, in the way in which men were willing to act.

Sir, when the war that established our independence commenced, Congress, composed of the most intelligent and respectable patriots, recommended the raising of a number of regiments. I remember well, that to Pennsylvania eighteen were allotted; but after all the exertions that could be made by recruiting officers, aided by every farmer, who, even if he was not a good Whig, encouraged recruiting, that he and his family might be saved from militia service; yet, after all, the regiments were not filled; and to prevent the officers exceeding the due number of

privates, Government were obliged to turn two regiments into one, and to give an honorable dismissal to the disarranged officers. This is a circumstance too well known to men of that age to be dwelt on now. I was one of the three county commissioners who taxed the property to raise thirty pounds each, for a prescribed number of recruits, in addition to their public emoluments; and, even after all this the State line of the Army was not completed; but we had to resort to short enlistments and militia service. When the Indian war commenced under the present Government, and the army commanded by General Wayne was raised, with all the industry that could be used, the ranks of that army, during the five campaigns, were but about three hundred more than half filled at the highest. By resignations, &c., vacancies were numerous, and the President never filled them by new appointments till a session of Congress had intervened. On speaking to him about filling up some vacancies, he answered by asking me, with a smile, whether I did not think there were officers enough to command all the men we had in our ranks? An additional reason, however, was assigned for permitting a session of Congress to pass, viz: the probability that Congress would unite some regiments, and derange the state of the officers, as had been done in the former war. I believe the President follows the same method at present.

The next army that was attempted to be raised was during the hostilities with France. I then gave my opinion, not only on the floor, but to the Secretary of War, that the ranks could not be filled, and that it would be an army of officers. It proved to be so; as soon as a certain description of people about towns and cities were enlisted, recruiting stopped.

During the war conducted by General Wayne, recourse was necessarily had to short enlistments and militia service, where a recruit could not be procured for the regular Army. I have observed full companies of rangers for eight or ten months raised in a few days. Indeed, I never saw difficulty, or much delay, in raising such troops.

Gentlemen argue for the greatest number of regiments, from the necessity of being able to make a strong impression to secure the object. I am equally impressed with that necessity; but it is not an army on paper that will make that impression; and I am convinced, by observation and experience, that the army proposed by the Senate will long be such. I am for employing soldiers in every manner in which they are willing to serve. I am, sir, in favor of employing as many regulars as can possibly be procured, aided by every other description of troops that are suited to circumstances and to the state of the country.

Mr. ALSTON said he should vote against the amendment, not from any fear that the President would abuse the power proposed to be placed in him, but because he was against making any more amendments to the bill which were not material. He thought there were sufficient restrictions in the bill already. Some time will elapse before the three-fourths of the men for the six

regiments are enlisted. The whole subject will be before Congress during the session; and, probably, before the men for the six regiments are raised, Congress will have no difficulty in saying whether or not the remaining regiments shall be raised.

Mr. TROUP observed that, if it were found, some time hence, that 25,000 men were unnecessary, Congress could at once say, that only a certain part should be raised. It had, in his opinion, been correctly said, that, if we do not want 25,000 men, we do not want one man. Can the gentleman from Pennsylvania doubt that 5,000 men will be wanted for the defence of New Orleans? And is it not stated by the Secretary of War, that 12,000 men will be wanted for the fortifications on our seaboard, exclusive of the aid to be derived from the militia, which takes 17,000 out of the 25,000 men? And is there a man, who has a knowledge of military affairs, who would be willing to sit down before the Gibraltar of America, Quebec, with less than 20,000 men? In his mind, however, the capture of Halifax would be more important than Quebec, as from thence may be expected the chief attacks upon our commerce; but Halifax could not be taken until Quebec was first secured. He could see no reason for adopting the amendment.

Mr. McKIM said, it was peculiarly the province of Congress to raise armies. Why, then, throw the responsibility upon the President, who, by an honest error of opinion, might use the power improperly? Why should Congress shrink from this responsibility? It is for us, said he, to do the whole of the business, and upon us the whole responsibility ought to lie. For these reasons, he was opposed to the amendment.

Mr. CALHOUN voted in favor of the amendment of the gentleman from Georgia, though he was in favor of raising the whole 25,000 men, because he wished to carry the present measure by as large a vote as possible. He believed nothing but the most energetic course would answer any purpose. The news of the steps already taken have, no doubt, passed over the Atlantic. The country against whom we are taking measures, may have taken her stand. Unanimity and decision in our Councils alone can save the country. He believed the public sentiment was with Congress; but if gentlemen will not, in any instance, sacrifice their opinions, but pertinaciously insist upon amendment after amendment to measures brought forward for our defence, we might be forced into war before we are prepared for it. We ought either to submit, or make an energetic defence. He perceived that the public sentiment began already to doubt whether Congress was really in earnest, from the tardiness of their movements. He should vote against the proposed amendment in order to prevent farther delay.

Mr. BIBB said, if he understood this bill, it did not contemplate to raise a number of men sufficient, in case of war. The amendment introduced by the Speaker, provided only for the raising of six regiments in the first instance. The proposed amendment goes no farther, as it says.

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the officers of the seven remaining regiments shall not be appointed, except they shall be found necessary. And nothing but the adjustment of our differences with Great Britain could prevent this necessity. But hope is still entertained by some, that these difficulties may still be accommodated. He thought the House ought to agree to the proposition, which could do no possible injury. It was introduced in the spirit of compromise to meet the views of certain gentlemen, and he should vote for it.

The question was taken by yeas and nays, and negatived—68 to 55. The votes were the same as on the last question, except in two or three instances.

No other amendment being proposed to the bill, the question was stated from the Chair, that the amendments be engrossed, and, together with the bill, be read the third time; and being taken, it passed in the affirmative—yeas 90, nays 35, as follows:

YEAS—Willis Alston, jun., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, Josiah Bartlett, Burwell Bassett, Abijah Bigelow, William W. Bibb, William Blackledge, Harmanus Bleeker, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, John Clopton, Lewis Condit, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, James Emott, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Peter Little, Robert Le Roy Livingston, William Lowndes, Aaron Lyle, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, William Paulding, jun., Israel Pickens, William Piper, Benjamin Pond, Peter B. Porter, Josiah Quincy, William Reed, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, George Smith, William Strong, George Sullivan, Peleg Tallman, John Taliaferro, Uri Tracy, George M. Troup, Charles Turner, junior, Pierre Van Cortlandt, junior, David R. Williams, William Widgory, Richard Winn, and Robert Wright.

NAYS—John Baker, Abijah Bigelow, Adam Boyd, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, jun., William Ely, Asa Fitch, Jacob Hufty, Richard Jackson, jun., Philip B. Key, Lyman Law, Joseph Lewis, jun., Nathaniel Macon, Archibald McBryde, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Timothy Pitkin, jun., Elisha R. Potter, John Randolph, William Rodman, Daniel Sheffey, John Smilie, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, and Thomas Wilson.

The bill was then ordered to be read the third time to-morrow; and on motion, the House adjourned.

FRIDAY, January 3.

Mr. LACOCK presented a petition of Sarah Fowler, of Pennsylvania, widow and executrix of the late Brigadier General Alexander Fowler, deceased, praying a grant of ten thousand acres of land due to her late husband in virtue of a proclamation of the King of Great Britain, of the year 1763.—Referred to the Committee of Claims.

Mr. LEWIS presented a petition of Prince Williams, free man of color, praying a support, in consideration of bodily injuries sustained by a fall from the top of the Capitol in the City of Washington, whilst in the employ of the public as a laborer.—Referred to a select committee. Mr. LEWIS, Mr. KEY, and Mr. MAXWELL, were appointed the committee.

Mr. RHEA, from the Committee on Post Offices and Post Roads, to whom was referred the petitions of several religious societies in the western parts of Pennsylvania, complaining of the practice of travelling with the mail, and opening it at the post offices on the Sabbath, reported that, however desirable the regulations for which they pray may be, that, at this particular crisis of our affairs, it is inexpedient to make any alterations in this respect.—The report was concurred with.

Mr. NEWTON, from the Committee on Commerce and Manufactures, reported a bill to authorize the Secretary of the Treasury, under the authority of the President of the United States, to purchase from Winslow Lewis his patent-right to a new method of lighting light-houses, and for other purposes.

[Mr. N. stated that, by this new method, a light-house which now consumes 1,400 gallons of oil, in a certain period, would be supplied by 400 only.] The bill was twice read, and committed.

Mr. BACON moved that the Committee of the Whole, to whom was referred the report on the petitions of the collectors of the several ports, might be discharged from the further consideration of it, that it might be recommitted to the Committee of Ways and Means, in order to have some errors, which had escaped the committee, corrected.—Agreed to.

Mr. RHEA said, that persons entitled to pensions had found great difficulty in complying with the requisitions of the law as it now stood. He wished to simplify the business, and, for that purpose, offered to the House a resolution which, after some observations from different members, and receiving an amendment from Mr. GHOLSON, the Chairman of the Committee of Claims, was agreed to, and referred to that committee.

Mr. JENNINGS offered a resolution calling upon the President of the United States for information respecting the appointment of certain Indian agents, &c., in the Indiana and Illinois Territories; but some objection being made to it, on the ground of a similar resolution having already been entered into, it was ordered to lie upon the table.

Mr. PORTER, the Chairman of the Committee

of Foreign Relations, said that, it having been discovered that there were some parts of the bill for raising a volunteer corps, which required correction, and which could be better done by the committee who reported it than in Committee of the Whole, he would move to discharge the Committee of the Whole from the further consideration of the bill, in order to recommit it.

This motion was objected to by Mr. SMILIE, a member of the Committee on Foreign Relations, who said that no meeting of the committee had been had, which he thought ought to have taken place before a motion of this kind was made. He had heard nothing of these corrections before, and did not understand the management which appeared to attend this business.

The SPEAKER objected to the term *management*, as applied to any committee of that House.

Mr. SMILIE explained, and, after some observations from other members, the motion to discharge the Committee of the Whole was agreed to; and the bill recommitted.

ADDITIONAL MILITARY FORCE.

The order of the day being called for, the bill for raising an additional force was taken up, and read the third time; and the question being put, "Shall the bill pass its third reading?"

Mr. SHEFFEY said: Mr. Speaker, it was not my intention to have disturbed the tranquillity with which this measure has hitherto progressed through the House; but considering the deep interest which this country has at stake, and which is so intimately connected with the present question, I have thought it my duty to state the reasons which influence my vote. I feel the greater solicitude to do so, because, as will have been perceived in the several stages of the bill under consideration, I differ essentially with a great majority of the representatives of the people of the United States. They suppose that this course is indispensable to maintain the rights and honor of the country, and that the means which they are about to provide by this bill are calculated to attain the ends in view; while I conceive their projects pregnant with every mischief—with the ruin of our liberties. In the expression of this opinion, let me not be understood as disposed in any degree to impeach the purity of their motives. I have no doubt that every member acts under the high sense of duty which he owes to his country, and which the occasion is particularly calculated to inspire. While I make this sincere and unsophisticated declaration, I hope a correspondent indulgence and liberality will be extended to me.

I had hoped, if it was seriously intended to change the state of this nation, and to barter the blessings of peace, which we have enjoyed for so many years, for the evils and calamities of war, that the question would have been propounded to us in a direct and unequivocal shape; that we should have been called upon to determine whether the injuries of which we justly complain, are to be redressed by the employment of the physical

force of the country. If such had been the explicit determination of a majority, much as I deprecate the evils which must inevitably attend a state of war, I should have cordially united with them in calling forth our energies and providing the means calculated to terminate it speedily and successfully. I should have done so under the guidance of the same motives which actuate me in the opposition which I make to the bill on your table. Viewing war as attended with every evil which ambition, corruption, and the indulgence of the malignant passions can give birth to, I should have inclined to lend my efforts to terminate its existence as soon as an honorable peace could be secured—that the body politic might not be wholly corrupted by protracting the disease, but restored to its healthful state with as little delay as possible. It has, however, pleased those who direct the affairs of this nation in this House to pursue a different course. Instead of designating the object for the attainment of which the force provided by the bill under consideration is to be employed, so far as it respects any declaration of this House, that is still unascertained; so that we are reduced to the necessity of opposing the grant of the means, because we are opposed to the subject to which they are probably to be applied. Through this bill, we must perceive the ulterior intention of the majority; which, as avowed, is nothing more or less than an offensive war against Great Britain.

On a question of so much moment to the country, whose peace and happiness is so directly involved, I had expected that a full, systematic, and statesman-like development would have been made by some friend of this measure; not only of the causes of complaint which we have against Great Britain, and the injuries which we have received at her hands, but of the objects of the war about to be undertaken, and the means and probabilities of securing them. There is a self-evident distinction between the causes and the objects of war. The one may exist without the other. And there may be both good causes and substantial objects, and yet it would be the grossest folly to precipitate the nation into a war, unless, on full reflection, aided by all the wisdom and experience we could collect, there appeared a fair prospect, that, after the waste of our blood and treasure, we could either realize the object in controversy, or obtain some substantial equivalent. We had therefore right to expect—to have had placed before us, a view of this subject, calculated to convince us that we were not foregoing the blessing of peace without a rational object, or without the most distant prospect of making the war anything but a curse to this nation. But, instead of such a course—which the occasion seemed naturally to require, if our reason is to have any share in the decision—nothing has been presented to us but highly-colored statements of the injustice which has been measured out to us by Great Britain. The many injuries which we have received at her hands have been detailed and repeated by almost every one who has spoken in favor of this bill; but there they have stopped.

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On this part of the subject—the only part which gentlemen have been pleased to touch—there is very little difference between us. I have no difficulty in believing, that ever since the year 1806, not only Great Britain, but France also, have given us repeated causes of war, which, according to the former usages of nations, is justified whenever an indignity is offered, or a national right violated. I am not one of those, therefore, who suppose that “Great Britain has done us no essential injury.” Far from it. I am fully sensible of the indignities offered to us, and the repeated violations of our rights as a neutral nation on her part; but this is not enough for me. I must be persuaded that there is a rational hope that war will remedy the evil which we experience, and that it will not bring with it others much more to be dreaded than that under which we labor. Were these things as little questionable as the course of the British Government has been unjust, I should have no hesitation in uniting my efforts to obtain justice by force.

So far am I from admitting that the British Government is justified in adopting her Orders in Council—the great cause of complaint—that I deny both their premises and conclusion. The principles upon which they purport to be founded, is the right which Great Britain claims to retaliate upon her enemy the evils meditated against her by the decree of Berlin. I do most explicitly deny the doctrine, that a belligerent can justifiably annihilate the unquestionable right of a neutral, because it may be calculated to distress an enemy, or seem retaliatory of some unjust regulation adopted by him. It is neither justified by reason nor by any principle of public law. Nor do I believe Great Britain more correct in her conclusion, that “the Orders in Council, in their effect, would retaliate on her enemy the evils meditated against her by him.” On the contrary, it seems to me that they had a direct opposite tendency. The most important feature in the French Berlin decree, was that which was intended to exclude from France, and the countries under her control and influence, British produce and manufactures—the blockading part being merely nominal. It would either be rigorously executed, or it would not. If it could not be executed, (as was then generally believed,) the American flag afforded the best means of introducing the articles interdicted to the Continent; so that the enterprise of our citizens, seconded by the habits and wants of the people who have been accustomed to this commerce, would have reduced the decree to a mere shadow. Should, however, the vigor of the French Government be competent to effect the anti-commercial system, and execute the Berlin decree, so as to exclude British products and manufactures, there then remained no prospect that France would be distressed by the destruction of the remaining commerce with her, left to us. We furnished her with none of the great necessities of life. Our principal trade was in the colonial products, which, by the Berlin decree, and subsequent municipal regulations, were totally excluded, with a view to encourage their growth,

or substitutes, in her own dominions. So that the Orders in Council, as to the retaliatory object, could have very little, if any, practical effect.

On the subject of the impressment of our seamen, much has been said in the course of this debate. The distresses of fifty thousand American citizens on board the British ships of war have been described in feeling language, and painted in glowing colors, particularly by an honorable member from Kentucky, (Mr. JOHNSON.) Without believing that the actual number approaches that supposed, I feel for our unfortunate countrymen in that situation, and readily admit that there is cause of complaint against Great Britain, arising from that source. But, on this subject, it is important to view the question on both sides, to enable us to ascertain whether we are not claiming more than we can ever rationally expect to obtain. Our native citizens, or those who were members of this community at the close of the Revolutionary war, are unquestionably entitled to exemption from impressment. But we claim it for every person who shall sail under our flag—at least, for those that have been naturalized since the period mentioned. I confess I am not disposed to enter into a war for the security on the high seas of the latter class. I think we do enough (more than any other Government on earth does) when we place those persons upon a perfect equality, as it respects the enjoyment of every right within our territorial jurisdiction. So far, no other nation has cause to complain, because we do not interfere with any right claimed by them, either sanctioned by public law, or of a questionable character. But further we cannot go, without interfering with the claims of other sovereign Powers, sanctioned by long practice and acquiescence. Allegiance is due from every person in a social state to some Government. In the dark ages of superstition and despotism, it was claimed as due by divine right; but since the dawn of civil liberty, it has been considered as a duty growing out of an implied compact between the governors and governed, and indissoluble like other compacts, without the mutual assent of the contracting parties. On this principle is founded the doctrine of perpetual allegiance recognised throughout Europe, and the British pretensions, by which they reclaim their subjects found on board of our merchant vessels, where they allege they are not entitled to protection, no more than enemy's property and contraband goods, for which they have an unquestionable right to search. Thus, while they claim the right of impressing their own subjects only, the similarity of manners and language, and the abuses of power by British officers, causes the impressment of many of our native citizens.

In considering this part of the subject, I deem it unnecessary to investigate the *justice* of the doctrine for which Great Britain contends, or how far it corresponds with the abstract “right of man;” I speak of the fact. It is enough for us to know that these pretensions exist, have long existed, and will not be abandoned. We must be conscious that we cannot *impose our principles*

on other nations, with whom it is our interest to cultivate a good understanding; but that on every subject where our rights or pretensions may conflict, both parties must cherish a spirit of conciliation and concession, as the only mode by which we can be brought together to prevent collision, from which neither can derive any substantial benefit. The question is not what we want, but what, under all circumstances, it is possible we can get. I have, therefore, long since thought that our Government ought to abandon the high pretensions of affording security to every person (even aliens) who should sail under our flag, and propose some arrangement to Great Britain, which, while it gave protection to our own native citizen, would prevent our merchants from employing any other during the present war. If these stipulations were reciprocal, every substantial object would be answered. Should Great Britain refuse an overture so manifestly just, it would afford additional cause of complaint, and then we might indulge in the bitter invectives which have been uttered against her.

From what I have said it will be apparent that I do not oppose this measure on the ground that there is not ample cause of war against Great Britain. The reverse is explicitly admitted. But shall the blood and treasure of this nation be lavished against the Orders in Council, as so much paper, or are we to contend for some substantial good, which we should otherwise enjoy, and of which their operation deprives us? I presume there is scarcely a man in this country, however infected he may be with the war mania, who could act so madly, as to propose a warfare to procure the mere nominal repeal of Orders in Council, when it was evident it would be unattended with a single practical benefit. No! the nominal repeal of the Orders in Council is not your object. It is the substantial commercial benefit which you conceive will follow that act, that forms the essence of the controversy. The unmolested commerce to France and her dependencies is the boon for which you are going to war. This is the real object, disguise it as you will. And it is not the commerce which we formerly enjoyed (as gentlemen would seem to suppose) which is in controversy. Your export commerce to France now consists of our own products only, as appears by the letter of the French Minister on your table. I say our own products, because I suppose the privilege which has been graciously extended to us, of exporting other articles in certain cases under French licenses, will scarcely be insisted on as being anything else but an indignity. The municipal regulations which have been substituted for the Berlin decree, so far as it respects the practical effect, have destroyed by far the most profitable and important branch of our trade to the French Empire, which consisted in the products and manufactures of other countries. Our merchants were in the habit of exporting to the West Indies our flour, beef, pork, live stock, lumber, &c., for which they received in return the products of those islands. The surplus beyond the consumption of

this country was exported to the continent of Europe, for which we received in return French wines, brandies, silks, German linens, and bills on London. Of so much more importance was this export trade to us than that of our own commerce, that in 1807, before the British Orders in Council existed, the domestic exports to France (including Belgium) amounted to about two millions seven hundred thousand dollars only; while the amount of exports to the same country of foreign manufactures and products (chiefly colonial) was nearly ten millions. In the same year the whole of our domestic exports to every part of the world, amounted to about forty-eight millions and a half; of which the amount I have stated was exported to France, and about twenty-eight millions to Great Britain and her possessions and dependencies, in the four quarters of the globe. Since that time she has acquired the French West Indies, the Isles of France and Bourbon in the Indian ocean, the Cape of Good Hope, the Dutch possessions in Asia and America. To these countries in 1807, while under their former dependence, the exports of domestic products from the United States amounted to upwards of four millions of dollars; so that estimating our exports to Great Britain and her present possessions and dependencies as they stood in 1807, the amount would be about thirty-two millions—about two-thirds of the whole amount of our domestic exports to every part of the world. Thus, while we are about engaging in a war for commerce, we abandon the greater, absolutely, and contend for the lesser. We relinquish our commerce with Great Britain and her possessions at the threshold, (for during hostilities I presume we shall have none,) and go to war for what we can get of the commerce of France, Italy, Holland, Hamburg, and the Hanse Towns. I leave Spain and Portugal and their American provinces out of the question, as the fate of those countries hangs in suspense.

But this is not all. We may expect to see, and the day is not distant, when the dominions of France shall not afford us a market for a single article, but all commerce with her shall either be interdicted by her own Government, or abandoned by our merchants as unworthy their pursuit. Ever since the date of the Berlin decree, and the prostration of the Prussian monarchy, those who gave themselves the trouble to think, and could think, saw that a great and radical change in the state of Europe was intended by the Imperial conqueror, who wields the destinies of the Continent. Whatever the ultimate object might be, it was early perceivable that that mutual dependence which exists between commercial States, so far as it respected the French Empire, was about to be dissolved, and that it was to be dependent no longer upon foreign nations for any supplies. To this, every regulation (extraterritorial or municipal) adopted by its Government has kept a steady eye. They are now staring you full in the face. You see your trade in the colonial products, formerly the most profitable branch of our foreign commerce, totally annihi-

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lated. The consumption of your tobacco, a great staple of the Middle States, reduced to one-fifteenth of the whole quantity consumed in France, and that monopolized by the French Government, who pays your merchants what its rapacity dictates. You see your cotton, once the great and profitable staple of the South, subjected to such enormous impost duties, as almost amount to a prohibition, for the avowed purpose of encouraging the culture of that article in Italy, and the south of France; your flour and provisions find no market there, because she has a surplus of her own production. The other articles in which we are permitted to trade are so inconsiderable in value that they form no serious item in the account. Besides all this, you see your merchants, after having submitted to the injustice of French regulations, and the rapacity of French officers, compelled to invest the little remnants of the proceeds of their cargoes in French silks, wines, and brandies, in *regulated* proportions. Sir, this detail ought to convince us that a commerce thus shackled and limited is not worthy the crusade which is meditated, and that the prospect as to its future value is still more gloomy. I believe were the Orders in Council repealed tomorrow, our commerce to France would not be worth two millions, and circumscribed as it already is, as long as the anti-commercial system continues, we may expect that it will daily diminish.

But we have been told that all calculations, as to objects, means, or consequences, are to be laid out of the question, as sordid and low-minded. That, feeling our country's rights violated and her honor assailed, we ought to march heedlessly on to seek redress at every hazard. I confess I was astonished to hear such a course recommended. In the most unimportant concerns of life, a prudent man calls to his aid his best reason and deliberate judgment. But it seems in the great concerns of the nation, where its peace is at stake and its future destiny hazarded, we must close our eyes, set all prudence at defiance, and move boldly on to our object, and not disgrace ourselves by consulting the lessons of wisdom and experience which lie in our way. Sir, this nation's honor is the prosperity and happiness of the people. I cannot consent to purchase national misery, even should it be accompanied with what gentlemen call national honor. The abstract notions of honor which regulate the conduct of individuals, and which are valuable in private life, ought not to be a rule of action for wise men to whom are committed the affairs of nations—otherwise we might wage perpetual war. In the whole history of our Government, prudence has been considered as essential to regulating our measures, particularly those which affect foreign nations. We have not suffered ourselves to be led away by our feelings, but were governed by the very calculations which gentlemen now affect so much to despise. If we had not, we should have waged a Quixotic war long since against France. Her decrees were executed with the utmost severity upon our commerce for sev-

eral years, to which has been superadded every indignity and insult to which a nation can be subjected; yet has it never entered into the imagination of any one that our honor required we should avenge ourselves on the imperial wrongdoer by carrying war into his own dominions. No! it would be considered as a mad and hopeless attempt. You have been in the habit of paying tribute (considered as a badge of dependence) to the Dey of Algiers and other Barbary Powers, for the express purpose of securing the property of your merchants from capture, and your citizens from slavery, when engaged in a commerce to which you have the most unquestionable title. You have lately entered into a compact (for so you will call it) with the Emperor of France, by which it was stipulated, that, in consideration of his permission to us to trade to England, (a right which we held independent of his control,) we would cause our rights to be respected by her. Why were all these things suffered and done? Where was this honor that is now goading us on to a war with Great Britain? Why was war, the only balsam to heal our injured honor, not resorted to? There is but one answer I can give consistent with the respect I owe to the Government. Prudence forbade it. War was not calculated to cure the evil which affected us, but to make it worse. I think so now. Can the waste of our blood and treasure heal the wounds which the nation's fancied honor may have received? Are we to draw upon us all the miseries that attend war, and all the dangers with which it is surrounded, without any practical good in prospect, when perhaps at the end of seven years we shall be compelled to sit down and acquiesce under the system against which the war is waged, merely to have it to say—that we acted like men of spirit?

Sir, I fear we have not been sufficiently attentive to the progress of events which have passed before our eyes—events which have affected a radical change in the aspect of the civilized world. We have attributed the injuries and indignities which we have experienced to causes distinct from the true ones; we have supposed that, to the abstract and individual injustice of the men who are the rulers of Great Britain and France, was to be traced all our evils; when, in fact, that injustice was the inevitable result of existing circumstances, and when the true sources lay much deeper. The present state of the European world, is the primary cause from which those principles that have so seriously affected our commerce have received their origin. And to me it appears vain to expect that our neutral rights will be respected, until the causes which have subverted every venerable principle, once a rule of conduct between nations, shall no longer exist. We may make arrangements with France for the revocation of her decrees, and with England, for the revocation of her Orders in Council. But there will be no permanent security; we must participate in the evils (in some shape) which have fallen on the community of civilized man.

Before the great changes in the aspect of Europe which have grown out of the French Revolution, the checks afforded by a division of the power of the Continent into many distinct sovereignties, gave security even to the weakest. There was a natural jealousy, which was all alive whenever any attempt was made by any one to infringe the principles which mutual interest, and mutual security, had long consecrated. In the wars which happened, there were always many interested in the preservation of those rights which the common consent of all had established for the safety of neutrals, who were ready to make a common cause against those who should violate them, and whom belligerents dare not provoke to hostilities. Hence neutral rights were secure, because there were ample means to enforce respect. But the cause of this security no longer exists—the effect, therefore, will be looked for in vain. There are now but two great Powers in Europe—one holding the dominion of the ocean, and the other of the land. They are mutually interested in the prostration of neutral rights, which are always in conflict with belligerent claims and pretensions. Are we capable (against such an immense host, a population of perhaps eighty millions) to compel them to yield obedience to our demands? Or who can we call upon to assist us in giving security to the almost forgotten privileges of neutrals? There is no hope for us as long as the present war continues, and continental Europe remains under the dominion of its Imperial dictator.

There is another delusion with which we seem to have been carried away, and which follows us to the present moment. We have considered ourselves of too much importance in the scale of nations. It has led us into great errors. Instead of yielding to circumstances, which human power cannot control, we have imagined that our own destiny, and that of other nations, was in our hands, to be regulated as we thought proper. If experience is to have any influence over us, we may see how grossly we were mistaken heretofore. The embargo, and all its kindred measures, which were to bring the unjust belligerents to our feet, have recoiled on ourselves. The next thing is war, and this is recommended as a certain cure. I fear by the time it is over, we shall learn practically, (if we will not learn sooner,) that there are periods in the history of nations when not to act is a virtue; when those who manage their affairs must accommodate themselves to circumstances, make a choice of evils, and forego a favorite object, because its attainment is impracticable, or there is too much hazard in the attempt.

In the present state of the European world, if we intend to have any intercourse with it, there is one of two things we must sooner or later do. We must either permit our merchants to carry their enterprise to whatever quarter their interest or inclination may lead them, without being considered as pledged to protect their rights, or redress their wrongs, when out of our limits, so that the hazard, whatever it shall be, will be

theirs: or we must determine with whom we will be on amicable terms during the present conflict in Europe—England or France. This is a question of prudence, and could have been long since easily solved. The commerce of England, and her possessions in every quarter of the globe (and it ought to be recollected that we are going to war for commerce) in a state of amity, is open to us, and is of vast importance; the commerce of France is very much restricted, and comparatively of no value. England can destroy our commerce to France—France cannot affect ours to England. We are secure from the hostility of France at home and on the ocean, and exposed to both from England. But we have made the selection of our enemy, and a strange selection it is. I should say nothing respecting it, were the causes of offence on the part of France less than those on the part of Great Britain; but however unjust the conduct of the latter may have been, and certainly has been, there is no parallel in the perfidy and indignity which we have experienced.

It has been supposed by some that it is necessary to go to war to revive and preserve our martial spirit. It has been said that nations long enjoying the blessings of peace become enfeebled and corrupt, and ultimately fall victims to foreign dominion or domestic ambition. Holland has been mentioned as an example. In point of fact the example is not appropriate. She was engaged in almost all the great wars of the Continent during the last century, and some maritime wars in which she was principal. There is a strong instance of an opposite character in the history of Switzerland. She maintained her warlike character, her independence, her liberty and simplicity, for centuries, though seldom engaged in war, until she found her grave in the common tomb of European nations—the French Revolution. The causes of the degeneracy of nations is to be found elsewhere—luxury, in the higher classes, consequent misery in the lower—with the corruption of morals that follows, are among the forerunners (if not the causes) of the fall of Empires. But let it be as it may, I am not prepared to draw upon the country certain evils now, to avoid possible evils hereafter.

The substantial and leading object of the war in which we are about to embark, is the abandonment of the British Orders in Council. It is not proposed to effect our purpose by engaging in a maritime warfare with Great Britain; that our most sanguine politicians seem to have relinquished. But it is supposed that we can either compel her to do us justice, or indemnify ourselves for her injuries by taking possession of her provinces on our Northern frontier. Without entering into the question whether a conquest of Canada and the provinces to the north and east would have either effect, I do not believe that such conquest can be effected. The men required (the first great war material) cannot be obtained. There are great calculations made on the spirit of the country, and we are told that there is something in the atmosphere of Wash-

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ington and of this House, which freezes the patriotic ardor which we bring with us from the people. That there is a spirit in the country capable to resist every attempt on our native soil, defend our liberties and independence at every hazard, is true; and if the time shall arrive when it is necessary to call it forth, it will be found in every cottage in the country. But I do deny that the people have become infected with the spirit of foreign conquest and foreign war. It is a phantom of our own creation. On this subject we ought not to be so easily deluded, like credulous children, particularly after the instructive lesson which is before us in the history of this country during the Administration of Mr. Adams. In 1798 and 1799, such was the profusion of addresses from legislative bodies, county meetings, military associations, &c., breathing nothing but "pledges of fortunes, lives, and sacred honor," in the prosecution of hostilities against France, that that deluded man really supposed "the finger of Heaven pointed to war." But how soon was it discovered by those who acted on the faith of such professions, that they had mistaken the buzzing of insects (such as infest large cities and popular assemblies) for the public voice; or that those who gave the paper pledges considered it a mere matter of form, and were offended that they should have been understood as if they acted with sincerity; and yet, after what has been said by an honorable member from North Carolina, (Mr. STANFORD,) it cannot be denied that we had not then just claim of war against France. Did not her decrees subject to capture and condemnation every vessel and cargo belonging to citizens of the United States, if a single article was found on board, the product of the British soil, or of British industry? Had the nation not been humbled to the lowest degree by the unprecedented indignity offered to our Ministers? No man can deny it. And yet the public voice consigned to oblivion those who promoted that "war of principle."

I have said that I did not believe that the number of men requisite for the conquest of the British provinces can be raised. Much reliance has been placed on volunteers, and I have heard of many myself who are ready to march to Canada, but it happens they are all *volunteer officers*—men who wish to aggrandize themselves by the enterprise. There are no *volunteer privates*. It cannot be seriously supposed that our farmers' sons will leave their own homes, where competency and ease rewards their industry, to march to Canada to make conquest of those frozen regions. The same remarks are applicable to the army of regulars proposed to be raised. You will have officers enough; but where are the privates to be got? The honorable member from Pennsylvania (Mr. FINDLEY) gave us yesterday a clear and practical demonstration that our country did not furnish the materials for an army. We have a surplus of land and a deficiency of labor. Every person who will labor can obtain a competency, in the enjoyment of which he is a free man, subject to the control and under the

dominion of no mortal being. Will any but the most corrupt, profligate, idle, or inconsiderate, exchange this state of independence for the ranks of an army; where he loses everything valuable to man; where he becomes a part of a great machine, and must move and act as others please; where he exposes his back to the lash for acts which in any other state would be perfectly innocent? I answer, no! Our country is not the place where the materials for an army intended for such purposes abound; and I thank God it is so. It is the most conclusive evidence of the happy state of society, and the prosperity of our people, (which I hope may long continue.) Was there anything wanting to prove the difficulty of obtaining men for such an army, that portion of our history to which I before had reference would clearly establish the fact. The twelve additional regiments which were directed to be raised in 1798, were not half filled up when the army was disbanded, though eighteen months had elapsed from the passing of the law. I hesitate not to predict that the 25,000 men proposed to be raised by this bill will not be raised in three years.

I think it may be assumed as a position, generally, if not universally true, that no nation can be successful in a foreign war of conquest, that is not perfectly prepared, when war is conceived necessary, to act immediately with effect. We are not only destitute of the force necessary for which we must wait the slow process of enlistments, but many other necessities are not to be had, without which we cannot pretend to carry the war into Canada. A commentary, humiliating to the patrons of this bill, on our readiness to prosecute such a war, is to be seen in the letter of the Secretary of War, recommending the passage of a law permitting the importation of such British goods as would enable the Government to comply with our Indian treaties, and the statement made by an honorable member (Mr. HARPER) on this floor, that there were no blankets, nor any to be had, an article so necessary to enable the soldier to encounter the inclemency of winter in the high northern latitudes; unless, indeed, it is contemplated to make the conquest during the *Dog days*, to enable the troops to return to a more genial climate before the approach of cold weather—a circumstance, I confess, not very probable.

It has been supposed by some that the conquest of the British provinces is easily accomplished. That it is only necessary to erect our standard in Upper Canada, and promise the inhabitants liberty and independence, (according to the late French mode,) and that they will flock around it, and assist in humbling their oppressors. Nothing can be more vain and visionary. Many of the inhabitants of Upper Canada are natives of the United States, who have been attracted to that country either by the nature of its Government, or by the advantages which it holds out to emigrants. If these people love your liberty so enthusiastically as to engage in treason to establish it, why have they exchanged it for the colonial

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dependence into which they have voluntarily placed themselves. It is not rational to expect that those who are bound by their attachments to the British Government, or by gratitude for its benefits, would act in any other way than we ourselves would act in similar circumstances. They will meet the invader, whoever he may be, with a bold and manly resistance.

Sir, I presume it is admitted by all who treat the subject seriously, that the British provinces can be subdued only by a considerable military force, which it requires time to prepare, and which, when raised and ready for service, will require time to perform the serious task assigned them. Is it probable, that while these preparations are making on our part, for the avowed purpose of making a descent on her provinces, that Great Britain will be patiently looking on? Will she not, (having the dominion of the ocean,) give employment to your force, in defending your cities and coast, which she will keep in a constant state of alarm by her ships of war? Or, should she even permit you to strike the first blow, and should your troops get into Canada, and actually obtain possession of the country, is it to be expected that no diversion would be attempted by her on our own shores, to bring back your forces to protect your sacked cities and unprotected coast of eighteen hundred miles in extent! You would have the credit (if any there could be in it) of waging offensive war, for no other object but to be reduced to the necessity of defending the next moment your own shores from the predatory invasions of your enemy—invasions, not for conquest, but for rapine and destruction, in which our cities may be reduced to ashes, as Copenhagen has been before them. Should you, however, under these circumstances, be able to retain possession of the conquered territory, (contrary to my expectations, I confess,) will it not be a galling reflection that we have acquired the frozen wilds of Canada to compensate us for the irreparable injuries and losses which we have suffered at home? For my own part, though I might be safe beyond the Alleghany mountains, where it is said (by Mr. SPEAKER) liberty would dwell were the whole Atlantic country destroyed, I cannot consent to make such an unprofitable exchange.

Before we enter headlong into this war, I should think it necessary (whatever others may do) to make some estimate of the expenditures which will become necessary, and of our pecuniary resources. In 1809 we had in service, exclusive of the corps of engineers, about sixty-eight thousand troops; which, according to a statement laid before us by the Treasury Department, cost the country, including all incidental charges, three millions three hundred and forty-five thousand dollars, which is about \$492 per man on an average. We have indeed an estimate on our tables, in which it is supposed that a regiment of infantry, under the existing establishment, can be maintained at the expense of about \$167,000 per annum; but every person who has paid any attention to this subject knows

the difference between estimates and expenditures. By some means or other, our Military and Naval Establishments cost us double as much as they do any other nation, proportioned to the force we employ; and indeed such has been the management, (how it has happened I do not know,) that under the profuse and profligate Administration of Mr. Adams, the Army and Navy cost us less by one-third than it has done during the economical Administration of one of the latter years, making the proper allowance for the difference of the number of men and ships employed. I think, therefore, when it is recollected that these troops are to be enlisted—collected from distant situations to proper rendezvous—marched to very remote regions, attended with their baggage, artillery, ammunition, &c., the annual additional expense of the troops proposed to be raised by this bill, and the bill already passed, may be estimated at little less than fifteen millions of dollars. Our ordinary peace expenses, including the civil list, the Army and Navy now in being—interest and principal of the public debt, and other miscellaneous expenditures—fall little short of fifteen millions. If an additional naval force should be equipped, which will be necessary to co-operate with the Army, and the volunteers put in motion as proposed, with the defensive measures which will be indispensable, we may estimate our whole expenses during the war at forty-five millions of dollars per annum. Where are the means to defray such an enormous expenditure? The duties on import and tonnage, if not entirely annihilated, must be greatly lessened. We shall have no commerce to England, nor to the West Indies, which belong to her almost exclusively. We shall not be able to pass the iron-bound coast of Britain to carry our commerce to the coast of the German ocean, and to the Baltic. The Mediterranean is commanded by the British naval force. The East India factories on the coast of Malabar and Coramandel, and the islands in the Indian ocean, are entirely in the possession of Great Britain. And your trade to China must pass by the Cape of Good Hope, which is occupied by your enemy. Under such circumstances it cannot be expected that any considerable part of the war expenses can be defrayed by any resources from which we now draw our revenue; the greatest estimate that can be made is two millions per annum. We must therefore look to something else. Internal taxation will not answer the purpose, because there are but few objects which can be taxed to any considerable amount in a country like ours without being severely felt. Every person must recollect the direct tax of two millions levied during Mr. Adams's Administration; though the sum was comparatively small, yet it pressed hard on the people. It was a heavier tax than they had been accustomed to pay to support their State governments. Forty-five millions, which is about one-fifth of the whole proceeds of our national industry, certainly cannot be raised in this country by any mode of taxation that can be devised

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supposing the people as willing as you could wish them. In England, where the people have been accustomed to taxes in every shape, and on every necessary and superfluity of life, and where they can bear more than in any other country, owing to the immense capital continually in action, the income tax, graduated according to the amount of the income, was originally not more than ten *per centum* on the highest grade, (until it was doubled by the Ministry that came in with Mr. Fox,) and yet every person must know the convulsed state of public opinion when it was imposed, and the distresses which it produced in that country.

But it is stated that we may borrow. Suppose there is capital enough in the country to justify our expectations. It will be necessary to create a revenue competent to meet the ordinary peace expenses of the Government, and to secure the payment of interest and annuities, and the ultimate redemption of the principal. This will require taxation—not much relished at any time—and which must be oppressive at a time when the people are necessarily subjected to many privations, and deprived (for want of commerce) of the ordinary means to pay. Should it, however, be practicable for the Government to borrow even to the extent of the whole annual expenditure, including the peace expenses, at the end of three years, (the shortest period we can possibly suppose the war to last,) we shall be saddled with a debt of one hundred and thirty millions, a much larger debt than that incurred as the price of our independence. And if I am not much mistaken as to every other object, if we end where we began, the friends of the country will have great cause to rejoice.

Sir, I see many dangers which may follow even a successful war. We have been taught, ever since the dawn of freedom, that standing armies were dangerous to liberty. The sages and heroes who laid the foundation of our independence, and who erected and supported the fair edifice, not only cherished this jealousy (handed down to them from their forefathers) during their own times, but in their public acts, designed for posterity, they endeavored to inculcate it into the minds of those who should live after them. But there has been of late a strange revolution of sentiment. Standing armies are now supposed to be constructed of different materials, breathing nothing but the purest patriotism, and acting only for their country's good. Sir, standing armies are always the same; the materials which compose them, and the subordination to which they are subject, fits them to become part of a machine regulated and moved by those who command them. And their interest generally happens to conflict with the rest of the community. If ever there was an army that possessed patriotism beyond others in their situation, it was the army of our Revolution. And yet I believe, had it not been for the virtues of that man to whom, under Divine Providence, we are indebted for our liberties—whose like, I fear, we shall never again see—the army who fought

the battles of our independence would have been made the instrument in consigning us to a military despotism. "But the dark cloud which threatened to extinguish the beams of liberty, which just began to cheer and warm our horizon, was dissipated by the guardian genius of our Revolution." There are, indeed, times when the spirit of liberty is wide awake; then there is not so much danger. But circumstances have such influence over us, that a total apathy often succeeds the most tempestuous contention, and a sense of foreign danger is favorable to the cause of ambition. It is then that those who have armies at their command, bind the people hand and foot, who awaken from their slumbers only to see that they are no longer free. Such were our opinions in 1798; what has produced the change I do not know, unless we were then *out*, and now we are *in*; and, indeed, I have seen enough of public men to lead me at least to fear that there is no other substantial distinction between political parties. The Walpoles and the Pulteneys, the Foxes, the Pitts, and the Grenvilles of England, all acted on the same principle; they did the very acts, when *in*, which they reprobated as pregnant with every evil, when *out*. I leave to others to say whether our American parties act more consistently.

There is one consideration distinct from all others, which ought to inspire us with caution in entering into the contest between the two great belligerents: England is contending not only for her own existence, but in doing so, she secures us from the attempt to subjugate us to the power of France, to which we should be otherwise exposed. I feel myself under no obligation for any good intention towards us on her part; it is a sense of her own danger, and her struggle for security that produces the effect; but the fact is unquestionably so. Viewing the character of him who has enslaved Europe, I cannot believe otherwise than that if England shall fall, we shall not remain unassailed. It is said other objects more important will occupy his ambition. The miser may prefer an English to a French guinea, but that does not convince me that he would not take both, could he get them. Those who have paid any attention to the nature of the human heart, and to the history of man, must know that ambition, like avarice, is never satisfied. Those with whom it is the ruling passion, proceed from conquest to conquest, and after having subjugated the whole world, dissolve in tears, because there is not another world to conquer. What encouragement is there then left for us in a war where victory is defeat, and success, ruin!

We have been emphatically asked, (by Mr. SPEAKER,) "what are we to gain by peace?" I was astonished at the question. What are we to gain by peace? What are we not to lose by war? Liberty! security! and happiness! are the great blessings which we hazard! Leave me these, and take your trade to the Continent, or your Orders in Council. With all the difficulties which we encounter, and the ills which befall us, we are still the freest and happiest nation on which

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the sun shines. I fear, sir, we shall draw upon us the just displeasure of Heaven, if we estimate her bounties, lavished upon us with such a profuse hand, so lightly.

Some gentlemen who are advocates of the measures recommended by the Committee of Foreign Relations, but who are enemies of war, suppose that it will not be necessary to employ, or even raise the force contemplated; they believe that whenever Great Britain discovers that we are determined to maintain our rights by force, she will abandon her unjust pretensions, and render us ample justice. Could I seriously suppose such an effect to follow these preparations, I would (much as I deprecate the expense and the other evils which attend them) unite with them most cordially in their purpose. But gentlemen ought to be cautious how they calculate upon the fears of Great Britain. We have made experiments of the embargo, non-intercourse, and non-importation, all addressed to, and intended to operate upon her through the medium of the same passion, but we found ourselves mistaken. If you consult her history, you will find that she has never been driven from her purpose by the threatening attitude of her enemy, and I assure you this is not the time for her to begin. Should she continue in her course, your preparations notwithstanding, what will those gentlemen do, who are for showing a bold front, but are against war? Will they then disband the Army, or will they not be compelled to go on, let the consequences be what they may.

Sir, I have detained you and the House longer than I expected. I feel grateful for the attention which has been bestowed, and the indulgence which has been extended to me. Permit me, before I sit down, to appeal to your judgment, and pray you not to engage in the great European contest, from which, when once embarked, there is no receding, and the consequences of which cannot be foreseen. Until the waters subside, and the ancient landmarks of the world reappear above the flood, abandon not your ark of safety. Venture not on the boisterous ocean, while the billows are running mountain high, and the tempest is raging. If you do, I fear you will go to the bottom.

After Mr. SHEFFEY had concluded, Mr. RHEA said he wished to deliver his sentiments on the passage of the bill, but, as it was late, he moved an adjournment, which was carried.

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SATURDAY, January 4.

Mr. MORROW, from the Committee on the Public Lands, presented a bill to establish a land district in the Illinois Territory, east of the District of Kaskaskia, and to attach certain public lands to the District of Jeffersonville; which was read twice, and committed to a Committee of the Whole on Tuesday next.

The bill from the Senate, "for the establishment of a quartermaster's department," was read twice, and referred to the Committee on the Military Establishment.

On motion of Mr. MORROW, a committee was appointed to inquire into the expediency of confirming the northern boundary of the State of Ohio, as designated by the Constitution of that State; and of providing by law for the actual surveying of the Western boundary lines of the said State; to report by bill, or otherwise. Mr. MORROW, Mr. LACOCK, Mr. DESHA, Mr. WILSON, and Mr. POND, were appointed the committee.

ADDITIONAL MILITARY FORCE.

The bill for raising an additional military force, was then taken up.

Mr. RHEA said, that when he contemplated the Message of the President, communicated at the beginning of this session of Congress, and the clear, distinct, and comprehensive view of the relations of the United States with foreign Powers therein presented, very little, indeed, appeared to remain to be said on the subject embraced by the resolutions reported by the Committee of Foreign Relations, or on the subject more particularly under consideration.

Mr. R. observed, that he did not altogether approve of the bill in its present form, but he would vote for it, believing it was the best, at this time, that could be obtained.

The President of the United States is the Constitutional organ of information to this nation—what he proclaims to be a fact, is entitled to the highest credit, and is to be believed. More than one year has elapsed since he proclaimed to the people that the decrees of France were revoked, so far as related to the neutral commerce of the United States; and at the commencement of this session of Congress, he intimates, in his Message, successive confirmations of the extinction of those decrees, so far as they violated our neutral commerce. These obnoxious decrees, then, certainly, are so far revoked. In his said Message, the President informs that the Minister Plenipotentiary of the United States to France has carried out with him the necessary instructions relative to wrongs done to the commerce of the United States by France, and to the restoration of the American property seized and condemned; the result of which will be communicated to Congress. For these reasons, he would not at present investigate the relations of the United States with France, or with Denmark, or Russia, or with any other Power on the Continent of Europe. The report of the Committee on Foreign Relations, and all the measures of a warlike nature growing out of that report, are avowedly pointed at England. When it becomes expedient and right for me, said Mr. R., to take into consideration the relations of the United States with France, if it ever shall so be, they shall, by me, be considered and acted on without respect or partiality to persons or things. It has been said that the United States are at peace; but if they be at peace, it is a peace of its own kind. It is a peace of suffering sacrifice—a peace in which, for several years past, the United States have been enduring all manner of possible injuries and oppressions inflicted by England, without doing

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one act of hostility in retaliation. But the President in his Message informs Congress, and this nation, "that the British Cabinet perseveres in 'the execution, brought home to the threshold of 'our territory, of measures which, under existing 'circumstances, have the character, as well as the 'effect, of war on our lawful commerce.'" This declaration, of the highest authority, sufficiently exposes and explodes the opinion that the United States are at peace.

It has also been asked, "did you ever know Great Britain to have been drove from her object?" This question is answered directly in the affirmative. Yes, Mr. Speaker, the Revolutionary war, which terminated in the independent sovereignty of the United States, presented to the world a sublime fact, manifesting that Great Britain was driven from her object. Her object then was to seize in her unrelenting fangs, and to rend in pieces, the innocent and unoffending people of this nation, at that time few in number, and ill prepared to meet the mighty enemy; but He, who rules the nations, had determined to separate the people of this nation for ever from Great Britain—and, in the end, Great Britain was driven from her object. This, however, is not all—the defeat of every coalition of European Powers, instigated by England against the French revolution, gives irresistible evidence of Great Britain being driven from her object. If war shall be with England, it has not been desired or provoked by the United States. Not long after the Treaty of Peace, England began her course of inimical depredations, and increasing them in number and in magnitude, in proportion from the time of their beginning, has steadily persevered in the execution of them to the present day; and all that time the United States have persevered in their endeavors, by negotiation, to obtain an amicable settlement of differences. Yes, they have persevered, in a manner bordering too near to humiliation, to avoid war and to live at peace; but every friendly proposition has been rejected, and it seems as if nothing but the reduction of this nation to a servile state of colonial existence, can satiate the appetite of voracious England. If, then, war shall be, let England look to it—human blood, in the event, will be poured out, and will flow to increase that ocean of blood which loudly calls for retribution. In relation to the issue of a war, the United States have nothing to fear; for on this side is arrayed eternal justice, unfurling her flaming standard and conducting to victory.

This subject has been treated as if the United States had no cause of war with England, and as if they were wantonly provoking war: this leads to consider the causes of war; the means of carrying on war, and the object of war. But it is asked, will you go to war for commerce? It is answered, England has been at war for commerce the greatest part of two hundred years; and shall not the United States protect their commerce, in which is involved the safety of their seamen and the rights of the people?

The causes of war which this nation has are

many. England has violated the sovereignty of the United States in many particulars; every impressment of an American seaman is a violation of that sovereignty—thousands of them have been impressed and refused to be restored; property of citizens of the United States, to a great amount, has been unlawfully captured and condemned; and England has refused indemnification. Pierce was murdered, and his bones are crumbling into dust, near the bones of those who, in the direful prison ship Jersey, at New York, were sacrificed to appease the wrath of the offended majesty of England. Although an atonement has been made by promise, and accepted, for the murderous attack on the Chesapeake, the blood of the ill-fated American seaman who was forced from that unresisting ship (and afterwards, under a name, tyrant-like, imposed on him, was murdered on a gallows at Halifax) has not yet changed its color. What shall be said of the many forgeries of American ship-papers, and of the many counterfeitings of the American flag, whereby that flag, the sovereign ensign of this Union, became a shame and disgrace, and a by-word among the nations of Continental Europe; and the loss of a great quantity of the property of the citizens of the United States in consequence thereof accrued? What shall be said of the disavowal of the arrangement made in good faith by the United States with Mr. Erskine, the accredited Minister of England? But it was disavowed, and that disavowal was a just cause of war. By the Treaty of Amiens, England, then in possession of Malta, stipulated to surrender it to the Grand Master of the order of St. John of Jerusalem; England afterwards refused to surrender Malta to that order, and war, for that violation of a solemn agreement, was by France recommenced, and has since continued with unabating fury. Let the many voluminous documents containing all the diplomatic correspondence between the United States and England, by their respective Ministers, on the subject of existing differences, be read over, and the astounded reader will turn from them with disgust; for they present, on the part of England, want of faith, and a determination to do nothing by negotiation; and good faith and a strong desire on the part of the United States to do nothing without negotiation, endeavoring thereby to preserve peace with England.

What shall be said of the domineering interference in the Florida business? or of the encouragement given by England to citizens of the United States to violate the laws of their own Government? What shall be said of the late attack on the frigate President? Will it be said, that, notwithstanding all these monstrous violations of the sovereignty of this nation, and of every moral principle, there is no cause for war against England? Let the declaration be boldly avowed, that he who makes it may be known.

But it has been said that war will endanger our Republican institutions; and that a Republican Government cannot stand the shock of war. If this doctrine be true, that a Republican Gov-

ernment cannot stand the shock of war in vindication of its inalienable and moral rights, it is bad, indeed—worse than bad—not worth contending for—a Government not able to defend itself against all aggression ought to be changed; but the Government of the United States is not a Government of this description. The Constitution of the United States, in the development of its principles, will manifest that the Government of this nation is as strong, if not stronger, than any Government in the world, and for this plain reason, that it is a Government of the people.

The sovereign people of this nation know all these things, and it was almost unnecessary to have taken this cursory view of those many causes of war. Many of the people of these United States know by sad experience that these things are true. It is intimated that the United States have not the means to carry on a war: certainly the true state of the resources of this nation had not been maturely considered. The late census will manifest a powerful population—provisions of every species plentifully abound, and money to carry on a war can be obtained without the aid of direct taxation; arms, and a sufficient quantity of every munition of war, of the manufacture of the United States, is nearly, if not wholly, provided. But it has been observed that the United States cannot supply their armies with necessary clothing: to this it is answered, let the manufactures of the United States be declared to be preferred to those of foreign countries; let a fair price be offered for cloth made of wool, of cotton, of flax, and of hemp; let the citizens be assured that their manufactures will be purchased in preference to the manufactures of foreign nations; and there is no doubt but that, within six months after issuing such a declaration, there will be ready to be delivered a most abundant supply of every article of clothing, and whatever may be necessary for the army; and the several articles will be of better texture and wear longer, and at a price as low, if not lower, than foreign manufactures fit for the same use. Let the citizens only know that the Government will depend on them for a sufficient supply of those articles for the armies, and they will be provided; there is plenty of wool, cotton, flax, and hemp. Let the declaration be made, and the women of this nation of every rank who can, will set themselves to the work, in which they will emulate each other, and glory in the business of providing cloth which is to go to clothe some of the brave men who will be engaged in the war. So long as foreign manufactures, probably of the worst kind, are preferred to our own manufactures, what hope can there be of a good supply? If war be, said Mr. R., it appears at present to me, that the objects are to recover the seamen of the United States from British slavery—to have complete indemnity for all the property of citizens of the United States, wrongfully captured and condemned by Great Britain—and a complete guarantee against impressing American seamen—and against capturing American property in future.

That all that part of North America which joins the United States on the Northeast, North, and Northwest, shall be provided for in a mode which will forever thereafter put it out of the power of Great Britain, or of any British trader, agent, or factor, or company of British traders, to supply Indian tribes with arms and ammunition; to instigate and excite Indians to disturb and harass our frontiers, and to murder and scalp helpless women and children—and last, but not least, to secure and irrevocably fix that grand maritime principle, “that free ships shall make free persons and free goods;” and then, and not until that is established, will the sovereign rights of the United States, relative to commerce, be completely established, and the ocean be, what the Creator designed it to be, the highroad of nations.

When, on the records of Eternity, an apportionment of great men was made to the several nations of the human family, a full proportion was allowed to England. England, indeed, has had her Shakespeare and Milton, who explored all the regions of fancy and imagination. England has had her Newton and Locke. The first investigated and explained the laws of matter and motion; the last penetrated the inmost recesses of the human soul, and made the whole internal world his own. England has had a Hampden and a Chatham, the ever to be celebrated true political friends of the liberties of their country. England has also had her Tillotson, Sherlock, and Porteus, to whom may be added Usher and Pearson, whose writings and lectures, almost divine, on moral and theological subjects, were sufficient to have persuaded a nation to virtue and goodness—and England has lately had a Sir William Jones, of incomparable, stupendous genius; of the most extensive erudition in languages, arts, and sciences; of the most profound knowledge of morality, politics, and religion; a man whose conduct in life eminently corresponds with his knowledge in the practice of virtue, morality, and religion—a man who was adequate to the salvation of a sinking nation. Yes, England has had these and many other illustrious men, all of whom shone like stars of the first magnitude; and what benefit has England derived from the example and writings of these illustrious men? Has England learned from them that for a nation to be truly great and good, it must be, and continue to be, in the practice of those moral duties which cement individuals and nations, and which inculcate the grand moral principle of “not doing to others what we would not that others would do unto us?” Has such been the conduct of England towards the world—towards the United States? Let a history of the two nations, in relation to each other since the Treaty of Peace, be recorded, and it will answer, emphatically, with a murmur dreadful as the sound of death—No!

The President in his Message has informed Congress “that the period is now arrived which claims from the legislative guardians of the national rights a system of more ample provisions

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for maintaining them." This declaration cannot be misunderstood—from it the following conclusions evidently are deduced: that all prospect of a successful termination of differences by negotiation with England is at an end—that negotiation is done—that a system of more ample provisions to guard the rights of this nation is now necessary—that is, a system more ample to support the national rights, than the system of negotiation. For, (says the Message,) "notwithstanding the scrupulous justice, the protracted moderation, and the multiplied efforts on the part of the United States, to substitute for the accumulating dangers to the peace of the two countries, all the mutual advantages of re-established harmony and confidence, we have seen that the British Cabinet perseveres, not only in withholding a remedy for other wrongs, so long and so loudly calling for it; but in the execution, brought home to the threshold of our territory, of measures, which, under existing circumstances, have the character, as well as the effect, of war on our lawful commerce. With this evidence of hostile inflexibility, in trampling on rights which no independent nation can relinquish, Congress will feel the duty of putting the United States into an armor and an attitude demanded by the crisis, and corresponding with the national spirit and expectations." The Message then goes on—"I recommend, accordingly, that adequate provision ought to be made for filling the ranks and prolonging the enlistments of the regular troops; for an auxiliary force, to be engaged for a more limited time; for the acceptance of volunteer corps; for detachments of the militia." This then is the system which the President recommends to be substituted for the ineffectual system of negotiation; a system which he would not have recommended if he had entertained any prospect of settlement by negotiation, over which the Constitution has vested him with all power. Notwithstanding all this, it has been surmised that negotiation with England is still going on. Mr. Speaker, this is not possible—the suspicion is unworthy of the Chief Magistrate of this nation; for, in what manner, or how, can he negotiate? He has nothing, nor can he have anything to offer to England until England shall revoke her Orders in Council, so that they shall cease to violate the neutral rights of the United States; and England declares she will not so revoke her Orders in Council, until the United States shall compel France to admit the manufactures of England—a demand unreasonable, unjust, with which the United States have nothing to do. Let France and England battle out their own disputes, the United States have business plenty of their own, with each of these Powers to manage, without interfering with that which belongs to either, against the other; and besides all this, the United States are threatened in the most insulting manner that if they do not repeal the non-importation law, it will lead to measures of retaliation; so then, England, the original aggressor threatens to retaliate on the United States, for a measure which England, by her injustice, compelled the

United States to adopt! Such threatened retaliation, if adopted, will be exactly in unison, and perfectly accord in principle, with that species of retaliation which England insists she adopted, by her Orders in Council, against France, for her Berlin and Milan decrees.

This mode of retaliation amounts to this: A strikes B, and B afterwards strikes A; A, as he says, retaliates, and beats B; afterwards B sues A in a court of justice for damages. Ought judgment to be rendered for A, the first assailant, on the ground of retaliation, or rather justification? Who will say it ought? But it may be said that there is no tribunal wherein which this cause between the United States and England may be tried. Yes, sir, there is a tribunal that will render righteous judgment—the very same just tribunal, who presided over the last great trial between the United States and England.

The President in his Message has performed his Constitutional duty to this nation; he has clearly given his opinion on the inefficacy of negotiation; he has apprized Congress of the state of things, and recommended measures to meet the approaching crisis; all weight of responsibility is now therefore on Congress, and Congress is responsible to this nation; there is no turning or winding whereby the responsibility arising on this most important question, can be evaded. And let it be remembered, that in this question is involved the sovereign rights of the United States. And now, Mr. Speaker, after expressing my grateful acknowledgments to you and to this House, for the attention evidently manifested to me, I will, for the present, forbear saying any more on the subject.

Mr. PICKENS.—Mr. Speaker, it is with much diffidence that I rise to offer my sentiments on this great subject, especially after the length of debate which has already tried the patience of this assembly. But, called to the decision of a question involving matters of solemn interest to my country, I hope to be indulged in a few remarks.

The peaceful habits of our citizens; the independent resources of our country; the unexampled share of civil liberty we enjoy, and the genius of our Republican institutions, all conspire to render war unwelcome. I will, therefore, be among the last to call my countrymen from the pursuits of civil life, while there is any alternative left whereby our national rights can be defended in peace. With this impression I have attentively heard all the arguments advanced in opposition to the bill before us, both while it was in the form of a resolution, and since it has assumed its present shape, in hopes that some such alternative might be proposed; for if any such had existed, I cannot for a moment suppose that it could have escaped the notice of gentlemen of such ample abilities as those who have so fully argued in opposition to the principle of this bill. In this hope, however, I have been entirely disappointed. No substitute for this measure has as yet been proposed.

When we are told of the evils attendant on a

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state of things such as this measure will produce, the argument is but half made; we all must be confident that such is our situation, that evils will attend any course we can take. That evils attend our present position is evident to every man; and evils incalculable must visit our country, if we continue to slumber, while rights so essential to our national importance, and individual prosperity, are sweeping away. It has been regretted by an honorable gentleman who yesterday addressed you, that "the object as well as the cause of war had not been defined before these preparations were made." These are intimately connected together, and have become so familiar to every one as not to be capable of misunderstanding. The cause and object of this preparatory proceeding seems perfectly well known in this House, and they are equally known to the people at large, whose interests and feelings are so much affected. If it was the understanding of that gentleman, the object should have been formally decided on by an act or resolution of this House, as was the opinion of another gentleman from the same State, (Mr. RANDOLPH,) in his remarks some time ago, a slight view of our situation will point to the impolicy of such an order of proceeding. The nature of our military strength consisting, in times of peace, of militia—the great extent over which our population is scattered, and the freedom of discussion peculiar in this country as to matters of public notice, will at all times render it impracticable to put the country in a complete state of preparation for defence in a very short time. Without a single soldier enlisted, would it be prudent to invite the hostile acts of an enemy by making it known that we were determined to resist by force the infringements of our rights?

As to the various injuries and insults which have been heaped on our country by the foreign belligerents, and which are yet increasing from Great Britain, they are topics sufficiently explained, and but too well understood.

It is admitted by every gentleman who has spoken on the subject, that we have a good cause of war with that nation, and that this cause has existed ever since the Orders in Council were issued. Yet the honorable gentleman yesterday contended that the inhuman practice of impressing our seamen is not a sufficient reason for so serious a contest; that we permit foreigners naturalized to enter our ships, and, therefore, as the doctrine of expatriation is abused, the British cruisers have a right to re seize their subjects, in doing which mistakes may sometimes be made. Can we in this way reconcile the cries of our citizens, our native citizens, consigned to slavery in the ships of another nation? But supposing this cause, so shocking to humanity, to be unworthy of defence; the other ground, arising more from our interest, and which is admitted to be a good cause of war, cannot be weakened by it. We are asked by the same honorable member "why our nation has not long ago resisted by force the acts of the British Government, when the same cause then existed?" If it was a ne-

cessary consequence that because we have been too patient heretofore, we ought to continue so; it may be observed that our Government entered an early protest against the edicts of both belligerents, and have continued to press the justice of our claims for a repeal of them; and, finally, the proposition arising from the act of May, 1810, which we considered an appeal to their interests equally, had the effect of neutralizing one of them, so far as to cease offering us causes of war. And until then we had two enemies, each of whom was a nation the most formidable of the modern world, holding between them the seals of Europe. And not till February last, shortly before the close of the last Congress, did Great Britain single herself out against us. If policy, therefore, can be a consideration for greater forbearance, when we have two great enemies than when we have one only, we have this consideration for the difference to be observed in the mode of resistance, which, in point of strict right, might have been always vigorous since the year 1806. And certainly the honorable gentleman will allow us to calculate in this way, inasmuch as he has called on us to count the amount of loss we have sustained by the Orders in Council, to ascertain whether our rights infringed by them are worth defending. To show this, we are told of the amount of exports to France during the year 1807, from the entry in the custom-house books. From which it would appear, that our clearances of produce for French ports during that year, amounted only to a little more than two millions, while those for the English ports amounted to upwards of twenty-eight millions. I confess I am but little conversant in commercial transactions, but I believe it is known from various causes, the clearances from our ports for those of France, in the year alluded to, were unusually small, and even bore a small proportion to the trade that actually did reach the French ports from ours. If so, the custom-house books could not be a fair criterion of the amount, even during that year. It is also worthy of notice that during the same year the blockade of the northern coast of France was in force, which must have had great influence on the result of that year's exports. Other causes might have operated during the period to which our attention has been called, as the Orders in Council have ever since done, to diminish the amount of our trade to many ports of the Continent of Europe. Our country, through every class of its citizens, feels sensibly the effects of that system of maritime plunder arising from the edicts of the belligerents, which has no parallel in the civilized world. It will be hard to convince us, contrary to the evidence of our own senses, that our losses are trivial. But suppose the object in dispute to have been as small as you please, even less than the expense of defending it, is it therefore a consequence that we are to abandon it? If we get in the habit of valuing our rights, to see whether they are worth the cost of defending, we may squander them all by retail. If this calculating principle had been the order of the day at the eve of our Revolution, would the pitiful tax

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on tea, the stamp act, &c., have been found to be sufficient ground for a seven years' war? No—it was the principle our ancestors contended for, and it is the principle now which we view as of most importance. The same honorable member has exposed the idea of contending against the Orders in Council as mere quixotism—as mere windmill attack—mere fighting against paper! I would ask if the seizure of our property bound to a lawful market is only paper? Is the practical enforcing of the blockades of an extensive coast, mere paper? If so, I will ask, whether on the same principle, the oppressive measures of that Government, which led to our independence, were paper.

The next exception his imagination suggests, is to an argument in favor of this bill, which, I will venture to say, never existed but in imagination: "that to raise the military genius of the nation would be a sufficient object of war." This ideal argument is assailed with as little mercy as Don Quixote ever attacked a windmill. God knows, we have real cause enough for war without the aid of fancy! It is rather unaccountable that a genius for chivalry had held in such ridicule the idea of defending national honor—a principle which he applauds in private life, but holds as not worthy a nation's while to contend for. And to prepare us for the degrading terms of submission to foreign usurpation, we are told that we have paid tribute to the Barbary Powers! Honor is a rule between equals only. If we have found it expedient to purchase terms from a Power but little removed above our Western savages, will it therefore follow that such terms are admissible between two civilized and independent States? Here honor is a principle so useful, that other blessings cannot long be useful without it.

Again, we are asked, if we will attempt the "ideal project of contending for national law, which has long since been buried under French domination?" It is but too true that, between the two belligerents, this great law has been trampled on and disregarded; but its principles, I hope, will forever survive, and I trust we will unite in the measure proposed, to vindicate and quicken its dying spirit. In this, much rests on us, we are the only nation on earth to whom this task is now intrusted.

I view this period as one so eventful that any step we can take, may prove important, not merely in its immediate consequences, but during our history as a commonwealth. It is of lasting moment to a nation, aspiring to an equal and honorable rank among its neighbors, that none of its annals should be stained with the voluntary relinquishment of any of its rights. Precedent becomes as much a law in national concerns, as in our tribunals of justice. What we now abandon without spirited resistance, we need never expect to gain. History affords no instance of a nation securing, or successfully resisting encroachments on its sovereignty, when this resistance has been weak and timid. On the contrary, does not all experience show, that in proportion as a nation is found regardless of injuries, even of minor consequence, in that

proportion have exactions been made upon it. The experience of England itself is a sufficient example of this fact. When a timid Monarch has held the reins of that Kingdom, encroachments were made with the greatest success—then it was that the Pope has always urged his pretensions—then have his *bulls* shaken the English throne. By a vigorous resistance to the inroads which are made on our essential rights, we may not only relieve the injured rights of our country, and repel the progress of lawless aggression, but afford a lasting memento to foreign nations that our liberties are not to be invaded. When in addition to this, it is considered that the right of carrying our produce to foreign markets; in a word, the right of regulating commerce, is one expressly sanctioned by our Revolutionary patriots in their Declaration of Independence, and supported by their valor in trying times; the duty on us becomes indispensable, to protect it unencumbered for posterity, who have a fair claim to the valuable inheritance.

But it is said that you cannot raise an army, and an example is drawn from the Army in 1798, under Mr. Adams's Administration. With deference to those who have used this argument, and cast so much obloquy on the proposed army, I cannot see any analogy between that case and the present, either as to the apparent object, or the manner of service. What French territory lay adjacent to us at that day, or in reach of our Army? Or was it contemplated to carry our arms to the banks of the Rhine or the Danube? Although it is true that men of sober and industrious habits will seldom enlist in time of peace, to lie at some outpost, where the use of an army consists not so much in actual service, as in the mere idea of being ready for service—but let an occasion like the present offer, when it is known that the sovereignty of the country must be defended; the strength of the nation will immediately be nerved; we can then command the best and bravest youth of the country. It is at such times that military merit is first discovered. And here let me say to my worthy colleague (Mr. Macon,) who some days ago expressed an apprehension lest a suitable character might not be found or selected to command the Army, that there is really no such danger, the occasion will produce such a character, as every other occasion of the kind has done. The military genius of our first Revolutionary hero might have slumbered unknown, but for an occasion which was to call it into useful exertion.

The contemplated attack on the British Provinces adjoining us has been emphatically called "a war of offence." Although the mode of warfare may be in the abstract view of it offensive, yet when it is considered as the only mode in our reach, for defending rights universally recognised and avowedly violated, its character is changed. In the present case, our property, in the course of a fair trade to a foreign market, is seized by the unlawful measures of Great Britain, (to say nothing of impressment and other indignities.) Our verbal remonstrances, and every attempt at negotiation, is found ineffectual; these injuries she is

still carrying on with marks of increased injustice on every sea where she finds our property or seamen; we cannot meet her on that element—the only point where we can reach her is the rich, and to her the all-important territories on our North. Has not the proposed measure therefore every essential characteristic of defence? The idea of a war for the purpose of conquest, is abhorrent to the American people, and foreign from the principles of their Government.

"But we are told that 'Great Britain is fighting for the liberties of the world;'" and again, that "she is not to be driven from the Baltic nor from anywhere else." If the last expression has allusion to the naval feat by which the Danish fleet was swept away, it is a very unfortunate circumstance to be mentioned in the same speech with the former, for it is questionable whether there is to be found an incident, in point of perfidy and injustice, to equal it in the civilized world. And when was it that Great Britain commenced her career in the laudable purpose of universal emancipation? Was it in 1775? Was it on this pursuit that her campaigns were performed through our land? If she will only extend common justice to us, or rather let us alone, it is all the favor I would ask from her.

As to any partiality between the two contending Powers, I hope there exists none in any American, there is no reason why there should be any: for every nation is governed by interest; we can calculate nothing on friendship from any.

If it were a question at the early dawn of our Government, before the habits of our people were formed, whether it would not be to the nation's best interest to trust maritime commerce to other hands entirely for several ages, I am not prepared to answer in the negative. And even now, as to the carrying trade proper, I am not inclined to view it as an object worthy of defence by war. But this direct trade, which carries the produce of our farmers to market, has been patronized by our Government under every Administration, and as the pursuits and habits of our citizens have under that system of things been formed, and as our country was growing under it in a degree unexampled, its protection has ceased to be at this day a question.

Yet this species of trade, all-important to the agricultural interest, is nearly extinguished. That every pacific policy has been tried in vain, is evident from the restrictive acts and the voluminous documents which have annually appeared, and which now load your mails to every corner of the Union. In these communications, the British Ministers express much concern for the misunderstanding between the two nations, while their conduct, the sole cause of misunderstanding, is continued with multiplied marks of injustice. I say the sole cause of misunderstanding, for what politician will say that the refusal to ratify a treaty, or the laying an embargo, is any good cause of offence? And what cause of offence has proceeded from us? None. We have the solitary honor of a Government unexampled for its good faith, and in this instance for its modera-

tion; for during all the attempts at adjustment for years past, our property was sweeping from the ocean before our eyes. With this spectacle before us, are we to sit down coolly and calculate in dollars, cents, and mills, what will be the cost of defending ourselves? If this had been the cool philosophy of seventy-six, you and I would not have been here. And if we temporize, while energy and action alone can save, we may entail lasting evils on the nation.

Mr. LOWNDES.—Mr. Speaker, the late period of the debate will necessarily shorten the observations I had intended to make. I concur, indeed, entirely in the opinion expressed by the gentleman from North Carolina—that it is now unnecessary to prove that we have cause of war against England. The gentleman from Virginia, who yesterday opposed the bill, conceded this point with as much prudence as candor. The value of the concession, however, was impaired by the remark that we have equal cause of war against France. That we had equal cause of war, sir, against France; that we have equal claims for indemnification against both Powers, I feel no disposition to deny. Both, have, indeed, been at war with us; but the easy distinction between their cases is this—that the one Power has terminated its differences with us by a treaty which we ourselves proposed, while the other continues without mitigation its war upon our commerce.

In acknowledging, sir, that we have cause of war, the gentleman from Virginia denies its object to be either important or attainable.

That any importance should be attached to the object on the score of honor, is described as a romantic notion. But in the policy which it dictates, an enlarged view of national interest, usually concurs with a nice sense of national honor. It is impossible to compute the money-value of rights, like those in dispute between England and America. No rule of arithmetic will give you an answer as to the expense at which they may be worth defending. Let them be renounced and the loss will be felt, not for one year, but perhaps for the whole term of our existence as one nation. Let them be renounced, and every remaining right becomes more precarious by the encouragement which is offered for its infraction. Our object then, in resistance to England, is the preservation of that character, without which neutrality must be a burden. Its duties would be exacted and its rights forgotten. The importance of this character, even to our pecuniary interests, results from its effects in controlling the rapacity of foreign nations. It addresses itself to their prudence. It offers the only effectual corrective to that temptation of immediate interest which the belligerent must always feel in the plunder of the neutral.

If this view of the object of the war be correct, the observations of the honorable gentleman in respect to the relative value of our export trade to England and France, lose much of their importance. That his conclusions indeed are substantially erroneous, appear from his excluding from his statements (as he has himself remarked)

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the whole amount of trade to such countries as, although completely under the dominion of France, are not within its old limits or those of the Netherlands. His conclusions are impugned by another fact, which every man equally must know—I mean that much of American produce shipped to England is consumed on the Continent.

The immediate, occasion of the war then, (if we attribute it to the interruption of our trade,) is greatly more important than the gentleman from Virginia has supposed it, and yet more important will be the effect of manly resistance on the character of the country—the effect of that character on our chances of future neutrality and prosperity.

But the importance of the object, if the object be unattainable, cannot, we are told, be a reason for pursuing it. If the object of the war be the defence of national character, it cannot be unattainable. But suppose it designed only to procure a revocation of the Orders in Council—has the honorable gentleman given us a very consistent argument to prove that this effect cannot be produced?

He has told us, that we can do England little injury by sea, and even that we shall be unable to raise troops for the invasion of her provinces in our neighborhood. As to the injury which we may do her at sea, the number and enterprise of our seamen, the near approach to our coast, which the vessels engaged in her most valuable trade must make, and the general opinion of naval men, must determine the question. But that we shall be unable to raise the army proposed, or to occupy Canada in less than five years, is an assertion too humiliating to be admitted without proof. We have been told, indeed, that the troops are most easily raised in a country which is invaded; but the opinion is contradicted by experience and reason. In the moment of invasion, every man is employed in attending to his property, in removing his family, or in securing them a home and subsistence. During the Revolutionary war, the greatest number of troops was, I think, enlisted in States which were safest from invasion. Our country will probably offer as large a proportion of its population now as then, and this will be a force amply adequate to the occasion.

But the gentleman from Virginia cannot see how our resistance on land can remove the English Orders in Council. He supposes, however, that this conduct of nations depends upon their interest, and that even now it may be doubted whether the interests of England do not require a revocation of these orders. Now let our efforts be as weak as the gentleman has represented them, and they will produce to England some inconvenience and some diversion of her force. If it be doubtful, then, whether it be her interest to continue her orders while we patiently submit to them, it should seem certain that it must be her interest to repeal them when their continuance involves the additional inconveniences which even the languid war which has been predicted would produce.

The honorable gentleman, determined to alarm, if he cannot convince us, unfolds a muster-roll of

spectres which haunt but few imaginations out of this House. The ruin of our Constitution and of our seaports is to be the inevitable consequence of the war. But are these dangers peculiar to the war in which we expect to be involved? That war is in itself an evil, that it is not unattended by distress and bloodshed, we know. The honest statesman will avoid it, when he can do so without renouncing the honor and the essential interests of his country. When these require, he will meet it. But, from the general evils of war, what conclusion does the gentleman draw? That we should never engage in it? Is it not strange, that so practical a statesman, the denouncer of the romantic notion of a war of honor, should have indulged this vision of a perpetual peace?

The danger to our Constitution is perhaps that which the gentleman considers the most alarming. A standing army offers an instrument which may at any time be employed against liberty. I am not afraid, sir, of terms. A standing army—a large regular force, maintained in time of peace, would be a just subject of public jealousy. But the force proposed is not a standing army. It will be employed against a foreign enemy, or it will be disbanded. While engaged in war, the most timid politician will see it without alarm; and on the return of peace, the same cause will remove our fears for private security and public liberty. That cause is to be found in the bill upon your table—in the ample and wise provision for the future support of the soldier—in his freehold. The most jealous patriots of England have considered their militia, although a regular force, as the natural protector of public liberty, because its officers are required to possess a landed qualification. But this security for the good behaviour of the officers we extend to every soldier in the army. That these men should, at the conclusion of the war, leave their lands unvisited, to follow an ambitious General to a desperate and disgraceful conflict with their fellow-citizens, is impossible.

From a military usurpation, such as the gentleman so much dreads, we were saved, he says, after the war of the Revolution, by the virtue of one man. To the merits of General WASHINGTON, my feelings and my judgment equally subscribe. He had a mind too great to be bribed by title or by power. If a Crown had been within his reach, he would have disdained it. But a Crown never was within his reach. The men who most loved and revered him, whose lives he might have commanded as the protector of his country, were incapable of becoming the slaves of any despot. I will not consent, sir, to demolish the fair fame of our Revolutionary Army, that its fragments may be employed in raising a monument even to WASHINGTON.

The Constitution is as little endangered by the influence, as by the physical force which this army may give to Government. The body of electors throughout our country, is too numerous to be corrupted by commissions. In their expectations of office, there are always more candidates who fail than succeed. Disappointment will be stronger than gratitude.

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The expense of the war, sir, is another danger by which the mind of the honorable gentleman is oppressed. The estimate for the Peace Establishment of a former year, proved inadequate. Military movements had been unexpectedly required from it. And because a peace estimate is found not to answer for war, the gentleman infers that a war estimate will be equally defective—nor was the difference (unless I am greatly mistaken) between the estimate and expenditure of the war alluded to, as great as has been supposed. The estimate was for the support of the Army. The expenditure was for the support of the Army, and for the purchase of arms, and for the building of fortifications.

The ability of this country to support a much larger force than is proposed, results necessarily from its population and its wealth. By wealth I do not mean its income in money, but its large surplus produce beyond the necessary consumption of its inhabitants. On this circumstance depends the number of troops which a nation may maintain. How can it be believed that the surplus produce of the United States is inadequate to the support, during war, of forty or fifty thousand men. With a favorable climate and fertile soil, and an industrious people, it should seem that this nation must be able to support in war, nearly as large a force, in proportion to its population, as any other State. Yet Sweden, with a third of our population, with the severest climate and the most barren soil, has maintained larger armies than the honorable gentleman supposes the United States capable of supporting. The expense of the Army, too, although the nation would be unable to bear it during war, will by the operation of the funding system, be chiefly thrown on years of peace. Then it will diminish sensibly the profits of returning commerce. Yet, it is true, that in aid of loans, internal taxes must be resorted to, and these the honorable gentleman supposes that the people cannot be persuaded to pay.

Sir, the people have paid perhaps a third of their moneys to the experiments of the restrictive system, by submitting to exclusion from the trade of the rest of the world; they would probably pay yet more to the monopoly of England, and I will not suppose that they can refuse any sacrifice of their fortunes to an honorable defence of their rights.

But our seaport towns are to be laid in ashes. We do not refrain however from all resistance to the Indians on our frontier, because they employ the scalping knife and the torture; and indignation rather than fear would be excited, if we believed England the incendiary which the honorable gentleman describes her. I do not yet believe it. She has not yet so far renounced the rules of civilized warfare, as to attack a town merely to destroy, without the intention or the power to retain it.

Such, sir, are the dangers to America which the honorable gentleman supposes that a war with England will involve. But there is yet, we are told, another danger, a danger to England

America, which cannot raise an army, and cannot pay one, which cannot injure her enemy at sea, nor in five years obtain possession of a country on its own borders, containing perhaps two or three hundred thousand inhabitants—America is to subvert the balance of Europe, and to destroy the nation which the same speech represented her as unable to resist. The Orders in Council, a continuance of which is required neither by the honor nor interest of England, our ineffectual hostility can furnish no motives to repeal. And from this ineffectual hostility we are to refrain, lest it subject her to France. Such arguments, sir, if they were not inconsistent, would yet be inadmissible. We must leave the case of British interests to British statesmen.

Yet I pretend not to the courage which can view with indifference the power of that man who rules sixty millions of active and civilized Europeans, who directs by his sole will the whole force of a people just escaped from the violence of revolution, and uniting to the submission of slavery all the force and energy of freedom. But even although England should fall, though the trident and sceptre should be united in the hands of the French Emperor, the intelligent patriot would place his best hopes in the unbroken spirit of the country. We should be most effectually prepared for subjection to France then, by submission to England now.

Mr. HARPER—Mr. Speaker: My apology for troubling the House, in this late stage of the debate, is founded on the peculiar situation of myself and the people whom I have the honor to represent. We are on the frontier, neighbors to the Canadians, and kindred to a portion of them. From our connexions and vicinity we know them; we respect and revere their virtues; their fondness for tranquillity; their love of industry and the rural arts; and their veneration for the principles of civil liberty. Sir, doubtless these people wish the blessings of a free Government—I mean one altogether free, for in their present condition they enjoy no inconsiderable portion of liberty. They are secured in the inestimable blessing of a trial by a jury of their peers—they are exempt from the horrors of an arbitrary judiciary; they are not liable to transportation and trial in a foreign country; and they cannot be taxed, but by the assent of their own Representatives, freely elected by themselves.

Still, as their population consists principally of hardy yeomanry, from the eight Eastern States, who have emigrated thither, who carried with them the principles in which they were nurtured and educated, and to which in active life they, while with us, were accustomed, they must revere the principles of our Revolution and Government, they must sigh for an affiliation with the great American family—they must at least in their hearts hail that day, which separates them from a foreign monarch, and unites them by holy and unchangeable bonds, with a nation destined to rule a continent by equal laws, flowing from the free will of a generous and independent people.

Sir, I hold these people in high estimation; if

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some of their fathers sinned, I would not visit the iniquity on the children—to them I would extend the affection of a brother; and even the follies of the father I would cover with the mantle of oblivion.

But, sir, although I do not doubt the desire of these Canadians to be with us associated, although I am persuaded that such an union will advance the interests of all, yet desire is often opposed by duty, which must and will be obeyed, by those who *are*, and those who are fit to be citizens of this Republic.

I was therefore pained at hearing the suggestion, that our conquest was founded, not on our own strength, but on the infidelity of the subjects of a foreign Power; on mental if not practical treason. This policy, if adopted, will expose the people of the Canadas to a hazard, which they ought not to incur—to rise without a special cause against the lawful sovereign, or to incur the odium of treachery, and as it may be to meet the consequent punishment of an offended monarch. It is cruel and unjust as it relates to them; it is impolitic as it relates to ourselves.

These lures which we offer may be held out by others; and hereafter the doctrines we now inculcate, may be applied to our own dismemberment and ruin.

No, sir, let us redress our multiplied injuries by our own strength; let us shun connexions with all foreign Powers; let us rise in our majesty, and will that the northern provinces shall be free—their freedom will be certain; our enemy will be punished; the savages will be held in check, and our Government will be enabled to execute its laws.

These prefatory remarks are founded on the belief, that it is the determination of Government to make war against Great Britain; to which measure I give my assent.

This assent is founded on a full and firm conviction of the necessity of a change of measures, and that it is more prudent, and more for the interest of the Government of this nation to advance to war, than to recede to the relations of a neutral nation, as explained at present by the British Government.

Sir, our present situation, of all others, is the most calculated to depress the spirits of our people; to unnerve the Government; to demoralize the citizens, and to introduce that system of fraud and chicanery, which advances the unprincipled, and beggars the virtuous; which creates a conflict between the planting and the farming interest, for at present a great portion of the latter thrives, while the former is perishing: which arrays against each other the great interests of agriculture and commerce; which holds out false lures to the manufacturers, and virtually offers seven millions of dollars (the amount of our duties on importations of British commerce) to illicit traders.

There must, there will be a change of measures. We shall either recede from the conflict, or we must vindicate our rights by the sword. We cannot remain as we are. We are a Republic;

ours is a Government of opinion, not of force. The nation demands measures of spirit, of energy; it demands redress of grievances and security for the future—it requires us to turn our energy against the enemy, not against ourselves. A system which in adverse times diverts the angry passions from those who injure us, to our own Government, is unwise and cannot endure. Indeed such a system has never been found practicable in monarchies—its success under the present iron despotism of Europe remains to be determined.

In former times, the House of Bourbon, as monarchs, while at peace and enjoying general trade, vainly strove to guard a frontier of France of less than four hundred miles, by an army of twenty thousand men, from the introduction of German laces and silks. They never succeeded.

England, where more power is concentrated in less compass than ever happened to any other nation on earth, with all her system of vigor and terror, with all her fleets, her custom-house and excise officers, strives in vain, even now in time of war, to exclude the wines and brandies of France. Her public men retire, every Autumn, to the seacoast, where they are indulged in these luxuries, at a price by retail less than her duties. In our Revolution, though traffic with the British was punishable by death, yet the British army was well fed, by men not Tories, while the American army was starving in New Jersey; and so naked and unprovided for, that their route might be traced by the blood which they left behind them.

What, sir, happened under our embargo laws, which were, when laid, wise as measures of precaution? Where were the articles of provision that perished under these laws? Sir, the cases did not occur. Everything calculated for a foreign market was sent abroad. There were not on hand the usual supply of these articles, when the embargo was removed; and what is more extraordinary, without any material alteration in foreign countries, they fell in price in six weeks after the removal of the embargo.

Sir, these restrictions cannot be useful in the present state of society. We might inflict very considerable sufferings on those who injure us, if the laws we make could be strictly executed; but we have to act for human nature as it is; not as we might wish it, nor as it ought to be. And in the construction of laws and regulations, the wisdom of the legislator is not more established by the intrinsic merits of his acts, than by the facility and certainty of their execution.

History has proved that commerce and civilization are twin sisters: they go hand-in-hand through the nations of the earth; and he who attempts to preserve the latter, without allowing the former, will discover in the end his ignorance of men and things.

Sir, continue your present state of things, and your revenue will be lost; your country may suffer some for those articles which are of most general use, and consequently the manufacturers of Britain may be injured, and this may induce them to act on their Government: but this nation will

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be inundated with the more valuable goods—and whatever of suffering there may be, will manifest itself in the interior.

While these considerations lead me to a decided opinion against our present attitude, and a regard for the Government and nation inspires me with a belief that it is improper to recede, I cannot but express my regret at the prospect of war; a regret which arises, in some degree, from a knowledge of its evils—of the peaceful character of our citizens—of the value of a citizen in this new nation—of the shock which it must occasion to our institutions—and more especially of the present state of the world, where no balance is found, either on land or on water; and where, before the rights of a peaceful nation can be fully enjoyed, a just balance must be created for each element.

Yet, with all these objections, I am constrained, by a sense of duty, to give my vote for these war measures.

Having thus stated the motives which will induce me to vote for the army, I proceed to remark, that I would be understood as voting an army for the efficient purposes of war, not as a means of negotiation. I pray to God, that he may open the eyes of the British Government to the interests of their renowned nation, and save us, them, and the world, from the evils of the impending conflict; by inducing them to return to us our injured seamen; to refrain from further impressments, and according to their promise, to revoke their Orders in Council and blockades, unsupported by competent force.

But on our part, negotiation is, and ought to be ended. We cannot offer any new proposition. Our Administration has exhausted their own, our, and the nation's patience. The season of action has arrived. We have evinced every disposition to conciliate—to make reasonable allowances for the unprecedented condition of Europe, and to yield those portions of our neutral rights which are not considered essential to our existence as a nation. Instead of corresponding sentiments of friendship, and perhaps, I may say, of sympathy, we have met with accumulated insults. Our citizens are impressed and compelled to fight, not only the enemies of Great Britain, but their own friends and kindred. In every sea our flag is violated, and our merchants are robbed of their hard-earned wealth, and even the products of our soil. In our own waters, our citizens, in their lawful pursuits, have been inhumanly murdered, and our towns partially invested: to cap the climax, she now, after a fruitless war with France of eighteen years—after her own promise to revoke her Orders in Council, when the French edicts were revoked, refuses to remove her obstructions to commerce, according to her promise; and, against every rule of the law of nations, demands of us, most of whose articles are excluded from European commerce, to dictate to Europe the terms on which British, not American, goods shall be admitted into the Continent. A proposition so monstrous cannot be the subject of a discussion. It bespeaks a determination to rule us, and can

only be answered by an appeal to the God of Battles.

Sir, as to the force contemplated by the bill, I have, at times, entertained doubts. It, at first view, appeared to me scarcely equal to the attainment of our objects. Again, I reflected on the spirit of our yeomanry—on their readiness to avenge our country's wrongs—on the discipline and military skill of that section of the Union to which I belong: I speak only of that section, sir, because I know but little of the state of the militia out of New England; and I thought we might safely rely on a smaller regular army at first, and a large volunteer force.

But, sir, reflecting on the history of our Revolution—on the time necessary to train troops for the field, on the evils resulting from volunteers withdrawing from the service at a critical moment, on the double expense of marching one corps to, while another is marching from the Army, on the double loss of the labor of these men from the pursuits of agriculture, and on the sage advice of the immortal WASHINGTON, so repeatedly given to the Revolutionary Congress: I am led conclusively to the opinion, that the true interests of the nation require that we should raise the full complement of men in this bill mentioned.

In addition to these, I am in favor of a corps of at least fifty thousand volunteers. It is not prudent to despise any enemy, more especially Great Britain, who rides Queen of the Waters; and, notwithstanding all her employment for troops, may furnish the Canadas with a considerable army. At this moment, sir, her regular force in Canada is not contemptible. She has there about eight thousand disciplined troops, and twelve thousand volunteer militia, who have been occasionally trained for two years. She has every munition of war; her forts are strong—particularly Quebec. On the St. Lawrence, and the great Western waters, she has vessels of war and forces to be overpowered. She will have all her armies well provided, and her posts well provisioned for a great length of time. The population, (which prudence requires that we should over- come) is at least three hundred and fifty thousand; which will allow of her drawing forth an additional body of thirty thousand militia. Nor are we to stop here. Our regiments will never be filled with an efficient soldiery for field service: we cannot calculate, to fight our battles, on more than two-thirds of the number we enlist. Many of these must be employed on different services: you will have, to garrison their forts after taking them; you will have to command all the rivers and passes into and out of the country; you will have convoys for provisions; men to guard your camps, and all the evils to encounter which are incident to an invading force.

Our efforts will not be limited to this enterprise. We have a frontier of savages, for seventeen hundred miles, to bridle and hold in awe; and a sea-coast of as many more, to protect and defend. On which coast there are many cities of great value, and consequently presenting great objects of plunder. Nor will your able and wily enemy

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forget the mouth of the Mississippi—the possession of Florida, or that durable evil, which all understand, and no one ought to depict.*

Yet we have not found a limit for your efforts: the provinces of New Brunswick and Nova Scotia must fall. The Bahamas must no longer annoy us. As long as they and Halifax furnish the fleets of England with water, naval stores, docks, wharves, &c., so long, in war, this nation will be grievously annoyed.

This is a just, though faint picture of the efforts you are to make, and these efforts are to be continued for a length of time. The idea which some advance of a momentary conflict, in my opinion is unfounded. One nation may induce to war—although that is not our case—it takes two to return to peace. Still, I believe the energies and means of the nation are adequate to its exigencies. I believe we ought not to despond; on the contrary, I have no doubt we shall retire from the war with increased strength and vigor. At the same time, I do not consider that this conflict is to be likened to a party of pleasure, or that the great and permanent objects of the war are to be gained and held exclusively by volunteers.

Sir, the spirit of the nation is roused. It demands of us firm and strong measures. The public mind, inflamed by indignities offered, is turned to war. To make it, is not only our policy, but our duty. To make it successfully, usefully to the nation, usefully to the Government, requires only vigor and energy. The war, to remain popular, must be brilliant—and liberal expenditures and an overwhelming force in the outset, will, in the end, be the true economy of blood and treasure.

Within our reach, are the ample means of redress. The northern provinces of Britain are to us great and valuable objects. Once secured to this Republic, and the St. Lawrence and the Lakes become the Baltic, and more than the Baltic to America; north of them a population of four millions may easily be supported; and this great outlet of the northern world, should be at our command, for our convenience and future security. To me, sir, it appears that the Author of Nature has marked our limits in the south, by the Gulf of Mexico; and on the north, by the regions of eternal frost.

I cannot close these observations, without remarking on what fell from an honorable member from Georgia, (Mr. TROUP,) when the report of the Committee on Foreign Relations, which embraced the present subject in its abstract form, was before this House. The gentleman remarked, "That ten thousand British troops could march from Canada to Boston." Sir, I do not doubt the sincerity or patriotism of that gentleman, but his remark evinced a want of knowledge, in relation to the country of which he spoke. If the gentleman will turn to the pages of the Revolutionary war, he will find that Great Britain, with armies of forty thousand men, never pitched a tent in New England, except in the *then* wilds of Vermont. He will find, that the pride of England

was humbled at Breed's Hill, by men called from their farms, by the tolling of the village bells: He will find that an army of nearly the number which he mentioned, was crippled by the immortal Starke, and surrendered to Gates at Saratoga, who had but few troops, except the eastern yeomanry. By examining the pages of history he will find, that no hostile force ever passed the smooth flowing waters of the Connecticut: nor, sir, do I hesitate to say, that the army which conquered at Austerlitz could not march through New England.

This, sir, is not gasconade—for, should the trial ever arrive, I pledge myself to my nation and my countrymen, to unite with the hardy and patriotic sons of the North, in repelling every hostile foe.

Mr. WINGERY observed, that the gentleman from Virginia (Mr. SHEFFER) had said, this country is not competent to go to war with Great Britain. This, said Mr. W., is nothing new. When we were about to enter upon our Revolutionary war, we were told that Great Britain ruled the world, and that, if we attempted to go to war with her, we should be beaten, and considered and treated as rebels to our King. Indeed, this was so confidently said, that he was at first inclined to believe it. It was some time before he could persuade himself that two millions of undisciplined Americans could cope with the British nation, then in her full tide of prosperity. But, said, he, we did not stop then to inquire whether any of our neighbors wanted great coats or blankets. Though we were then in our infancy, we entered into the contest with a determination to succeed; and it is well known that we captured two of her armies; and if we could do this in our infancy, when we had to contend with enemies in our own country, and in our own houses, are we now, said he, to be told, when all are unanimous, that we are not able to contend with the British; but that we must, like cowardly poltroons, surrender ourselves, and leave our descendants in the hands of tyrants? He trusted not. We are now, said he, three times the number we were then. We then met the British with effect, and surely we can do so now.*

But, we are told, a war will be very expensive. Granted. What is money? What is all our property, compared with our honor and our liberty? It is not commerce only for which we are about to fight, but for our freedom also: nor had we ever so favorable a time as the present for making a stand. Nations, said he, consider their own interest; and if Great Britain considers her's, she has more to do at home than she can manage; but, if she will persist in keeping in force her Orders in Council, we must defend our rights.

But, we are told, the citizens of this country will not enter into the war. He could not, however, believe that the free-born sons of America would lie down, under a calculating avarice, and see their commerce and liberties destroyed. If this were to be the case, he did not wish to live any longer. If a Government is not worth supporting with our lives, it is not worth having.

But, we are going to enter into a Quixotic war for honor, says the gentleman from Virginia. He

*The slaves of the Southern States.

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was sorry, at this time of day, to hear the honor of a nation spoken of so lightly. Would it not be dishonorable in a nation to give up her acknowledged rights without resistance? The same reasoning would lead a man, when he was struck by another, to endeavor to make his escape; and if he could outrun his assailant, it would be well. Or, if a man takes possession of your house, on the same principle you must leave him there, and escape to your barn, for fear of entering into any scuffle with him. If, said he, we mean to act in this way, we had better break up and go home. Before Congress met, all parts of the country were anxious that they should get together. The people felt the country was insulted, and they wished their wrongs redressed. But if, after we get here, we do nothing, we had better have remained at home. It had been said, that the British would lay waste our cities; but where, said he, will be our gunboats at that time? While they are stationed in our harbors, he defied any British vessels of war from entering to do any serious mischief. He had a high opinion of the usefulness of our gunboats for the protection of our harbors.

But, it was asked, will you take advantage of Great Britain, when she is fighting the battles of the world? She is not fighting our battles; and if she continues to use us as she has done, I would take every advantage of her. Indeed, we must either give up our commerce entirely, or defend ourselves against that Power. God and Nature have given us an extensive seacoast, and we ought to make a proper use of it.

But, the gentleman from Virginia says, Great Britain has a right to take her subjects from on board our vessels. This, Mr. W. denied. After they had been duly naturalized in this country, they were as much our citizens as if they had been born here. But, said Mr. W., they not only seize men of this description, but native-born citizens. I know it: I have seen several whom I know to be of this description—sons of my neighbors.

The Army now proposed to be raised had been compared to that raised in 1793; but he said the comparison would not hold. That Army was raised under the pretence of meeting a French invasion, when it was known France had not a vessel which could leave her ports. Much was said about the ship *Ocean* and her passengers being taken, but they afterwards arrived in this country in safety. The people of the United States were not like the people of Europe, who knew nothing but the trades at which they worked for their living—saw that the talk of French invasion had no foundation, and they would not enter the Army. But the case is very different now. The people know the object for which the Army is to be raised—they feel it—and they will fight in defence of their country.

Mr. McKim conceived it to be his duty to offer a few observations on this bill, before the question was taken. The gentleman from Virginia (Mr. SHEFFEY) had said that our exports to France and her dominions amounted only to two millions a year. For himself, he did not consider the injury of which we complained as a pecuniary

injury; it was the loss of a right to send our commerce to any country which we choose; for the prohibition of the British excludes us from trading to the United Netherlands, Hamburg, and Bremen, France, Spain, Portugal, and Italy; to which places he found, by a recurrence to the returns from the Treasury Department for the year 1810, we exported goods to the amount of upwards of twenty-five millions of dollars; so that the gentleman from Virginia has made an error in his statement of twenty-three millions of dollars. And a large proportion of the gentleman's argument being drawn from this statement, it of course has no foundation.

Mr. SHEFFEY inquired whether the gentleman from Maryland had included nothing in his estimate but our own products?

Mr. McKim replied, that his statements included the whole amount of our exports to the places which he had mentioned, as he considered it immaterial whether we exported our own produce or the produce of the West India Islands which had been received in return for that produce. He had included Spain and Portugal, though there had been a subsequent permission for our vessels to go to those ports; but he had said nothing of the ports of the Adriatic, as his knowledge of the geography of that country was not sufficient to ascertain the precise extent of the British blockade. If, said Mr. McKim, Great Britain shall be permitted to interdict us from a commerce amounting to twenty-five millions a year, what is to hinder her from interdicting us from carrying on any commerce whatever; but it was not the pecuniary loss, great as it was, of which he principally complained; it was the deprivation of an indisputed right, which it was our duty to maintain at all hazards; for, if we give up one right, we give a mortgage upon and endanger all our rights. For his part, he was for making a stand on the present occasion, that we might pass down our rights undiminished to our posterity.

Mr. SHEFFEY said, in his estimates, he had confined himself to the exports of our productions, and not the export of articles of foreign growth, and insisted upon the correctness of his statements.

Mr. MACON wished to make a few observations on the passage of the bill. He apprehended great inconveniences would arise from the passage of the bill in its present form, on account of its containing a different arrangement for raising the troops from any other establishment in the nation. Will not, said he, every new organization in the Army introduce discordance? Have we not seen the effects produced by having two differently constructed corps already, and will not the inconvenience be increased by a third? He was willing to have voted for the 10,000 men asked for by the Executive, and would afterwards have gone farther, if necessary. But he disliked the proposed arrangement. Had there been any complaints, he asked, of our old organization? It carried us through the Revolution, and he thought might still be relied upon. In propor-

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tion as different arrangements are introduced into the Army, will you introduce discordance and confusion. An army should be but one body, and ought to be moved but by one soul.

It appeared to him that this objection was a very material one to the bill, and, if he believed such a motion would prevail, he would now move to recommit the bill, in order that these troops might be put upon the same plan with those already in existence. He had another objection to the bill, in its present form. In the clause giving land to the soldiers there is no provision which prohibits them from disposing of it, which there certainly ought to be. But he had no hope of getting any amendment to the bill after he had seen the manner in which other attempts at amendment had been made. Comparisons had been made, Mr. M. said, between the times of 1798 and the present. There was no likeness except in this: It was then usual for Congress to pass one bill, in order to make it necessary to pass another. What was the situation of things at that time? It had been emphatically called the "Reign of Terror." Was not the *Rogue's March* played at the door of one of the most distinguished members of the then Congress, and other acts of extravagance done, and was not the Sedition Act passed to prevent us from complaining?

Mr. M. said, he should have been glad to have voted for the bill, but for the objections which he had stated to it. He believed every gentleman was satisfied that something must be done; but he did not like to pass one bill to make another necessary.

The party which opposed the raising of the Army in 1798, did not believe it was intended to operate against France, because they could see no object on which it could be employed.—They saw the *black cockade* mounted, and they heard every one denounced who did not mount it. But there is nothing like this now. If we say we will not defend our right to carry our produce to a market, it is not worth our while to make it. If you give up an acknowledged right, you acknowledge some superior power. Why did we lay the embargo, and pass our restrictive laws, but to avoid the situation into which we have now got? He approved of one of those measures, but not of the rest. If Great Britain would only do what France has done, there would be an end of the dispute. Is there a man in the House that wishes another attempt at negotiation, or one that wishes to go to war if it could possibly be avoided?

We are now, said Mr. M., approaching that state of things which we ought to have come to years ago. If we cannot fight by paper restrictions, we must meet force by force. If we cannot do this, it is time we put ourselves under the protection of some other Power. Every attempt which has been made to keep off the approaching crisis has proved ineffectual. As soon as the *Hornet*, which carried out the President's Message, and the report of the Committee of Foreign Relations, returns, if no redress is offered, we

must go to war. For where is the difference between stopping our produce between New York and Albany, and stopping it between New York and any other market?

No gentleman has yet pointed out any other course. Even the gentleman from Virginia, (Mr. SHEFFEY,) whose talents he very much admired, though he had objected to the course proposed, had not offered any other.

Much had been said about the strength of this Government. Some think it is not strong enough; but if there be any strong Government in the world it must be this Government, and what gives it this strength is the attachment of the people to it; and it is as strong under an unpopular as a popular Administration, because the people know there is a time approaching when they can change the Administration, if they do not like it.

With respect to our getting an army, it will depend very much upon the persons appointed for officers; if they be men in whom the people have confidence, we shall get an army; but if not, we shall get no army.

There was something in the history of our affairs with Great Britain which had not been mentioned, which goes to show the strong claim which this Government has upon Great Britain. He meant the conduct of Sir William Scott, in declining to give judgment in the case of the *Fox*, when he heard the Berlin and Milan decrees were repealed. So strongly was he persuaded that the Orders in Council would be repealed in consequence, that he stopped all proceedings in the case of the vessel under consideration until he received instructions from the Ministry.

Something had been said on the subject of our export trade. There was only one way, in the present state of things, to come at a knowledge of that. We can never tell where the articles exported are consumed. Two-thirds of the tobacco shipped from this country are shipped to England, though one-seventh is only consumed in that country. The usual way is to ship to Cowes and a market. No reliance can be placed upon the custom-house books, except as to the total amount of exports and imports.

But the real question is not, as has been stated, the amount of the loss we sustain. If our trade be confined, however, to Great Britain and her possessions, our produce will not pay for its freight; as it is well known that a great part of what was heretofore sent thither was consumed on the Continent, which could not now be the case.

If we are to have war, said Mr. M., it is not sought by us. If it were, there would have been no delay. The *Hornet* would not have been sent to England as a last step, or he might call it a step beyond the last. If ever a Government showed a disposition to remain at peace, this Government had shown that disposition for the last seven or eight years.

Some gentlemen appear to believe that we are not yet approaching the crisis of war; but he did

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believe it, and the nation at large believe it, and are now reflecting upon it in the most serious manner. We hear no noise about it as in 1798; there are no noisy boys running about the streets; but the people at large are reflecting upon our situation; they see we must either go to war, or give up our right to export anything we make. No man, said he, would willingly engage a highwayman; you would rather he should keep out of your way; but if he made an attack upon you, you would not suffer yourself to be robbed without resistance. Mr. M. sincerely hoped that war might be avoided, by Great Britain consenting to do us justice by the return of the *Hornet*; but if we engage in the war, he had no doubt that the spirit and perseverance with which it will be carried on will equal the long suffering and forbearance which we have shown before we were brought into this situation.

From the day of our independence to the present, he believed that Great Britain had a most inveterate hatred against this country. He did not believe anything of one nation having love for another; and the situation of that country and this has something peculiar in it. We were their colonies, and got clear of them; and so long as the present generation exists, they cannot love us. Nor do I imagine that the present ruler of France has any great love for us; the form of our Government is too free for him.

Mr. M. said, every restrictive measure having been rejected in vain, and all our attempts at negotiation having failed, the nation is preparing for the last resort of Kings, and of Republics too. But now we are told we cannot contend with Great Britain. But we must either contend with her, or surrender our right to export any of our surplus produce. But why not contend with her? Let the worst come to the worst, we know what to do. We once succeeded with paper money, and if we were driven to that necessity, we could succeed again with it. We have now manufactories of arms and munitions of war, and whether money could be raised or not, if ever this nation engages in war, she engages never to surrender her rights. Every war is an evil, and amongst the greatest of evils; but we are compelled to fight or give up what we have, except the return of the *Hornet* should alter the situation of things.

No man, said Mr. M., would have more pleasure to see our differences accommodated with Great Britain than I should; but if this cannot be effected, we must change our situation; and though he could not vote for this bill, for the reasons which he had stated, he should go on with measures for putting the nation in a state of defence.

It had been said, that standing armies are dangerous to liberty. He believed it; but war cannot be carried on without them. The war which the United States are about to enter into is not of the character which has been given to it. He meant a war for the sake of conquest. Its object is to obtain the privilege of carrying the produce of our lands to a market. It is properly a war of

defence; but he believed no war, after it was entered into, continued long to be strictly of that character.

As to meeting Great Britain on the ocean, no one contemplates that; as every cent expended in repairing the rotten hulks of our vessels would be thrown away as to the object of the war.

The House rose at 5 o'clock, without taking the question on the passage of the bill.

MONDAY, January 6.

The SPEAKER laid before the House a report from the Secretary of the Navy, in pursuance of a resolution of the House of the 26th ultimo requesting a statement of the vessels which had been repaired since the year 1810, and the cost thereof; which was ordered to be printed.

Mr. GRUNDY, from the Committee on Foreign Relations, to whom was recommitted the bill to authorize the President of the United States to accept and organize certain volunteer military corps, reported the bill, with amendments; which were read, and, together with the bill, committed to a Committee of the Whole on Wednesday next.

Mr. D. R. WILLIAMS said, by an act of 1808, a regiment of light infantry was directed to be raised. This was considered by the Secretary of War as horse artillery; but the bill did not provide for mounting them. He therefore introduced a bill supplementary to an act for raising, for a limited time, an additional military force; which was twice read and committed.

DISTRICT AND CIRCUIT COURTS.

Mr. BLACKLEDGE said, it was represented to him as necessary to make some alteration in the times of holding the District Courts of the United States. Indeed, he knew that it was impossible to hold them in a proper manner at present, as they were held at Wilmington, Newbern, and Edenton, and not more than ten days was allowed for the purpose. He therefore proposed the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of altering the times of holding the District Courts of the United States for the District of North Carolina, and that they have leave to report by bill or otherwise."

Mr. B. said, it had also been represented to him that, at present, the law does not require any security to be given in cases of appeal from the District to the Circuit Courts. He, therefore, offered the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of requiring security to be given in cases of appeal from the District Courts of the United States to the Circuit Courts, and that they report by bill or otherwise."

The resolutions were agreed to, and committees of five members appointed upon each.

COMPENSATION OF REVENUE OFFICERS.

Mr. BACON, from the Committee of Ways and Means, to whom was recommitted their report of

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the thirtieth ultimo, on the several petitions of the collectors of the ports of Philadelphia, Baltimore, and Plymouth, (Massachusetts,) and the naval officer of the port of Philadelphia, made a supplementary report; which was read, and committed to the Committee of the Whole on the bill in addition to the act to establish the compensation of the officers employed in the collection of the duties on imports and tonnage. The report is as follows:

That, on a further investigation of the amount of emoluments received by those officers during the years 1808, 1809, and 1810, it appears that the net emoluments of the Collector of Philadelphia, from the 27th of August, 1808, when he entered upon his office, to the close of the year 1810, (including the half-commissions paid to the estate of his predecessor,) amounted to the average sum of \$3,262 02, annually; those of the Collector of Baltimore, from the 13th of April, 1808, when he entered on his office, to the close of the year 1810, including the half-commissions as aforesaid, to the average sum of \$1,687 68, annually; those of the Collector of Norfolk, from the year 1808 to the year 1810, both inclusive, including the half-commissions as aforesaid, to the sum of \$921 82, annually; those of the Collector of Plymouth, for the same period, to \$1,953 92, annually; and those of the Naval Officer of the port of Philadelphia, for the same period, to \$2,802 29, annually.

Under this view of the facts, the committee recommend to the House the adoption of the following resolution, in lieu of those recommended in their former report on this subject:

That the prayers of the several petitions of the Collectors of the ports of Philadelphia, Baltimore, Norfolk, Plymouth, (Massachusetts,) and of the Naval Officer of the port of Philadelphia, ought not to be granted.

ADDITIONAL MILITARY FORCE.

The House resumed the consideration of the unfinished business of Saturday last, and the question depending at the time of adjournment on that day, to wit: that the bill from the Senate "to raise an additional military force," do pass as amended?

Mr. STANFORD renewed the observations he had commenced before the adjournment on Saturday evening. He made his acknowledgments to the Speaker for calling him to order for a term, which was, perhaps, a less respectful epithet than should have been used upon the occasion. He was far from meaning to use language which should give offence, but he said he would claim the authority of the Chair to protect him from interruptions coming from other quarters of the House.

He proceeded, and stated that he had, before, expressed his regret at the circumstance of differing with his colleague (Mr. MACON) upon any occasion, and more especially upon the present important one. The older standing of his colleague upon that floor, he said, placed him more in the relation of a political son than in that of any other; but if he were naturally, what he might be considered politically, he could by no means yield his assent to the present measure, or the doctrines growing out of it, fraught, as he

believed they were, with so much mischief to the real interests and happiness of the nation. He felt himself only at issue with his colleague as to the similitude between the *crisis* and *causes* of the war in 1798 and 1799 with France, and the present *crisis* and *causes* of the proposed war with Great Britain. He should not contend that the temper and violence of party had grown to the same extreme now as at the former period. The circumstances under which Congress sat were very different; Congress then sat where there were streets, and alleys, and people; and now in a city of little else than old fields. Yet, however, the temper and intolerance of party zeal were by no means unlike that which prevailed at the former period; at any rate it may be said to be so in some parts of the country. His colleague's ill health of late had not, perhaps, allowed him to be as attentive to the oracles of the day as his better health had allowed him to be. As to party intolerance, what were the signs of the times at the present period? A gentleman, than whom a more candid, open, and honorable, supporter of the Administration was not in the House, although he had declared himself in favor of the force the Government had called for, because he refused to commit himself as to the ulterior measures of the Committee on Foreign Relations, and ventured to depict the evils of a war, and to deprecate its consequences, had passed through the ordeal of newspaper animadversion from *Dan*, in the North, to *Beersheba*, in the South. This might be called a single case; but if it were necessary to point out other instances of party dereliction, persecution, and neglect, there were more than enough; and, among them, his colleague himself could not be otherwise than placed pretty high in the list; and, although he might be indifferent as to anything of the kind which related to himself personally, that circumstance could form no mitigation of the spirit of the times. But he was aware that it was an invidious and unpleasant task to dwell upon subjects of this kind, and he would forbear.

The sedition law had been cited to show the more violent character of the times at the former period, and alleged that it had been contrived to silence opposition to the measures of the day. He was willing to admit the worst that could be said of that law. But he considered the *dumb rule*, sanctioned at the present session, under the name of the *previous question*, as a more direct attack upon the liberty of speech, or what is the same thing, the privilege of debate and free discussion in this House, than the other had been upon the freedom of the press. The former contemplated silencing the libels of the press; the latter came home to ourselves, and went to put down a member in his place; to silence all debate, however interesting to his constituents. He had been mistaken the other day, in stating that a member could only speak at the "will and courtesy" of a majority of the House. The rule was worse than that; one-fifth of the House could arrest debate, and impose instant silence upon any subject. The sedition and alien laws had grown out of the war

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and temper of those times, and he had taken occasion to state that like bills, and treason bills, too, were to be expected in the train of the many evils to grow out of the present proposed war. He had not intended to say that a treason bill ought not to pass, if we commence the war. Once involved in that state of things, it would not be expected that our own citizens would be allowed to supply and cherish the enemy with impunity.

His colleague (Mr. Macon) had argued, that no one apprehended invasion from France in the years 1798 and 1799, and therefore the armies then authorized were not to have been justified. This position only could be correct as it respected the Republican minority. They, doubtless, did not believe it; but the Government avowed their fears, and justified themselves in raising a regular army of only ten thousand men as a due precaution against such an event. As the majority, they were responsible for the security of the country, and no one had a right to say what they did or did not believe. Though we, who were the minority, *an army-opposing minority*, were without any such fears or belief, how stood the facts? Our then Envoys to France, in their despatches to the Government, which are now on the files of the House, communicated conversations they had held with the underling agents of Talleyrand, which, under existing circumstances, went fully to authorize such apprehensions.—About this time, too, it was known that one of the finest armies that ever had been raised in France, had been sent upon some distant expedition, and no one knew where, for a considerable time. It was at length ascertained that it had gone to Egypt, with Bonaparte at their head. But whether Federal distrusts and apprehensions, as to what the Government of France intended, or their agents might menace, were such as they professed, or not, it was not for him to say. But he stood prepared to repeat what he had stated on the previous day, and could prove it, if necessary, upon the most unquestioned authority—authority entitled to the fullest Republican credence, he would state—that the French Directory did meditate sending a force to this country at that time. He had stated what he did state deliberately, and had nothing to retract, on the subject.*

* We are informed that Doctor Logan is the authority above alluded to. The occasion of his visit to France at that time, and his interviews with that Government, and the characters near it, (says our informant,) make him the best authority for such a piece of information. He affirms the observation to be correct, "that the French Directory in 1798 were not without some views of sending a military force to the United States, not with any intention of conquest, but as in Holland, in case of certain events, to support a party they considered devoted to the interest of France. The impression made on his mind at the time, resulted from conversation with the Marquis Lafayette, at Hamburg; with Mr. Schimmelpennick, the Batavian Minister at Paris; and with Mr. Merlin, the best informed, most active and influential member of the Executive Direc-

Mr. S. then proceeded to draw his parallel between the *crisis* which produced the quasi war in 1798, with France, and the *crisis* which is now to carry us into a war with Great Britain; and declared that he could not, in his conscience, believe the ground and causes of the present war were equal, in either magnitude or character, to those of the former period. He would again, he said, beg leave to read, and bring to the view of the House one or two of the many outrageous decrees, or *arrets*, of that Government in 1798. "The character of vessels," say they, "in what concerns their quality as neutral or enemy, shall be decided by their cargo; in consequence, every vessel found at sea, laden in whole or in part with merchandise, coming from England or her possessions, shall be declared good prize, whoever may be the proprietor of those productions, or merchandise." Under edicts of this kind, for there were others of a similar character, the French cruisers carried on a system of plunder and depredation, surpassing, to an immense amount, anything we have experienced since from the British, or any other, Orders of Council. If it were otherwise, how comes it to pass that we are not shown to the contrary, and convinced of our errors? The best answer is, it cannot be shown. Let it appear when it would, the amount of our injuries, at that period and the present, would bear but a poor comparison.

But, still, to show the more aggravated character of the former crisis, he would beg leave to read another of those French decrees, having reference to our seamen only. It declares, "every person, native of friendly countries, allied to the French Republic, or neutral, holding a commission, given by the enemies of France, or making part of the crews of the vessels of war, or other enemy vessels, shall, for that act alone, be declared a pirate, and treated as such, without being allowed, in any case, to allege he was forced by violence, menaces, or otherwise."

Mr. S. said, thus, while the British take our sailors to make sailors of them, the French determine to take them and hang them; but whether this decree of the Republic had ever been put in execution or not, he had no recollection or knowledge, but it would, nevertheless, hold out the extreme career of folly and madness, into which that Government had gone at that time; and how

tory. The two latter gentlemen made particular inquiry respecting the disposition of the Republican party to receive the assistance of France. To such insinuations he uniformly declared that, however attached the citizens of the United States were to France, they were only so, as far as the Government of France acted with justice, and consistent with the principles of her Revolution, that, should she lose sight of these, and not only continue her depredations on our commerce, but should violate the territory of the United States, every citizen of our country would become her enemy; that the same spirit of independence, which influenced the citizens of the United States to oppose the armies of Britain in 1775, would engage them at all times to oppose the hostile attack of any other Government on earth."

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much the commerce of the United States must have suffered under such a general system of lawless aggression and outrage. Could it have been found the policy of the United States to resort to war, the causes were fully sufficient to have justified it. But the Republicans denied the policy of war *for commerce*, raised a "clamor" against the predominant party for having gone into such a war, and ultimately succeeded to oust them and take their places. How, therefore, gentlemen of professed Republican principles have now found out the policy of going to war *for commerce*, and for a commerce, too, under far less embarrassment and annoyance from the British Orders of Council, than formerly under the French decrees, it would be for themselves to account and reconcile, and not for him. Situated, as the United States were at that time as a neutral nation with respect to the belligerents of Europe, he was one who condemned the policy of the war, and his experience went to confirm him in the belief that the present would be equally impolitic, and more injurious to the nation, as the present was to be a war of aggression and of foreign conquest.

But, Mr. Speaker, said Mr. S., we have been told all negotiation is now exhausted, and at an end; we have continued to entreat and supplicate the Government of Great Britain in vain. This, he said, was true, and could not be denied; but he would ask gentlemen if these things were not more degradingly true in 1798? Negotiation was not only tried and supplicated in vain, but our negotiators themselves treated with the utmost indignity and insult. When their despatches arrived and were published, communicating these indignities, they pervaded the Union like the late earthquake, and shook everything political to the centre. What the Republican minority in Congress would not deign to feel, the people felt for them; and when the elections came round, every State gave way, not before Federal, except the good Old Dominion, Virginia, and the State of Kentucky, then called the chicken of Virginia. These were the only two States in the Union able to breast up against the storm. When the elections of this year came on, Georgia gave way; South Carolina was then, as she is now, with her usual talents, contending for *honor* and for *standing armies*, to support it; North Carolina, too, sent up her homage of respect and confidence to the General Government; the States of Maryland, Delaware, Pennsylvania, New Jersey, and New York, added new strength and violence to the times; and all New England, without the exception of a State, were in unison, the decided supporters of the war.

Mr. S. said, so similar was the spirit of the former and present times, that all the difference he could perceive was, that the order of the business was inverted. Virginia and Kentucky, then the great opposition States to a war for commerce, were now the great leading States for the present war for commerce. He might well ask his colleague now, if there were as many as two States opposed to the present war? He did not

know himself, but there was certainly not more than two or, perhaps, three, and they the smallest States in the Union. There seemed scarcely anything in the causes, and even circumstances, of the present war, that did not bear a strong likeness to the former.

Mr. S. said, in order to show the principles and the doctrine that Virginia then advocated, he would claim the indulgence of the House, while he read a few passages from the proceedings of her Legislature. The following resolutions passed in 1799, and are said to have flowed from the pen of the present President:

"Resolved, That the General Assembly do, and will always behold with indignation depredations on our commerce, insults on our citizens, impressments of our seamen, or any other injuries, committed on the people or Government of the United States, by foreign nations."

"Resolved, nevertheless, That our security from invasion, and the force of our militia, render a standing army unnecessary; that the policy of the United States forbids a war of aggression; that our whole reliance ought to be on ourselves, and, therefore, that, while we will repel invasion at every hazard, we shall deplore and deprecate the evils of war for any other cause."

These resolutions were followed up with an address to the people of Virginia, inculcating the same doctrines in the ablest manner, and of these five thousand copies were ordered to be printed, and circulated through the State. It would not be amiss, he hoped, to read a paragraph or two.

"A lover of monarchy," says the address, "who opens the treasures of corruption, by distributing emolument among devoted partisans, may, at the same time, be approaching his object, and deluding the people with professions of republicanism. He may confound monarchy and republicanism, by the art of definition. He may varnish over the dexterity which ambition never fails to display, with the pliancy of language, the seduction of expediency, or the prejudices of the times. And he may come at length to avow, that so extensive a territory as that of the United States can only be governed by the energies of monarchy; that it cannot be defended, except by standing armies; and that it cannot be united, except by consolidation."

The more obnoxious measures are then stated, and the address thus winds up:

"Pledged, as we are, fellow-citizens, to these sacred engagements, we yet humbly and fervently implore the Almighty Disposer of events to avert from our land war and usurpation, the scourges of mankind; to permit our fields to be cultivated in peace; to instil into nations the love of friendly intercourse; to suffer our youth to be educated in virtue, and to preserve our morality from the pollution invariably incident to habits of war; to prevent the laborer and the husbandman from being harassed by taxes and imposts; to remove from ambition the means of disturbing the commonwealth; to annihilate all pretexts for power afforded by war; to maintain the Constitution, and to bless our nation with tranquillity, under whose benign influence, we may reach the summit of happiness and glory, to which we are destined by nature and nature's God."

To this, said Mr. S., instructions to all her Senators and Representatives in Congress were superadded, urging them to procure a revision of

the act suspending commercial intercourse with France, as having had the effect to reduce the price of tobacco, a principal staple of the State, from ten to three dollars; to procure also a reduction of the Army; prevent an augmentation of the Navy, and to effect a proportionate reduction of the taxes. These views were all seconded in Kentucky, and the doctrines of peace carried farther, perhaps, than Virginia herself had carried them. The zeal and the talents with which she enforced her opposition to the measures of the day could scarcely have been surpassed upon any occasion. It is certain the celebrated resolutions of that State against the alien and sedition laws, were couched in language more strong and decided than appeared from any other quarter. As to these things, Mr. Speaker, said Mr. S., yourself, and other gentlemen from the State would be able to bear witness.* But while these things were passing in these two solitary Republican States, as then they used to be termed, what part was the minority in Congress acting? They were all alive to the peace, and, as they believed, to the true and permanent interest of the nation, and at a moment when a declaration of war was expected from the majority; they pre-occupied the floor, and laid a resolution on the table, in these words: "*Resolved*, That it is inexpedient to resort to war with the French Republic." This, too, was accompanied with another, requesting the President to institute a new mission to France. The cry was then, as it is now, that this was the doctrine of "submission," and "non-resistance," that it would be crouching to our enemy, which the honor and independence of the country forbade. Mr. Adams, however, did commission the other Envoys to France. They were received, and succeeded to form a treaty. And the great, solid, and permanent, interest of the United States prevailed over what was then deemed the bubble idea of honor, and had not been since called up to assume a serious aspect until the present time.

But, sir, said Mr. S., the British Orders in Council are to be contrasted with the French decrees. It would be acknowledged they both exhibit to us a deliberate system of plunder, and though alike in their effects upon our commerce, and were alike violations of all usage among civilized nations, disposed to be just, he did not believe gentlemen would contend those of the French were less violent or outrageous in either the letter or execution. For his part, he believed they were far more so. That French depredations at that time exceeded those of the British at any subsequent period, there can be no question. Mr. S. said, he held in his hand some proof of the extent of French depredations, which, he said, gentlemen would not have it in their power to deny as authentic. He then referred to the convention of 1803, between France and the United States, where she stipulated that we should pay, as part of the purchase of Louisiana, \$3,750,000 to our

own merchants for spoiliations her cruisers had committed upon them. This sum was now known not to have been sufficient, and that her spoiliations had far exceeded that amount. He would ask gentlemen to show that, under the Orders in Council, half that amount had been seized and condemned. It was not enough to say that the principle was the same, whether one or fifty vessels had been unjustly captured and condemned—that would not be denied. A single act of wanton, wilful injustice on the part of a nation, might be justified as a good cause of war, as in the case of the attack on the Chesapeake; yet the policy of such a war, on the part of the United States, might be questioned, and, in that case, was not justified under Mr. Jefferson, although a case of insult, which was superadded to the very wrongs for which we are now to go to war. Under the greater wrongs and insults we are taught to forbear—the true "policy of the United States forbidding a war of aggression"—under the lesser, we are to fight for our honor, according to the new policy.

The abuses we have suffered under the British system of impressment, said Mr. S., was a just source of complaint, and a grievance seriously to be regretted by every feeling American; but, under all circumstances, it was not deemed a sufficient cause of war, under General Washington, when it commenced, nor under Mr. Adams, nor under Mr. Jefferson, when carried to its greatest extremity. Mr. S. then turned to the last report upon the subject, made in April, 1810, where it appeared nine hundred and three was the amount of the returns, of which "two hundred and eighty-seven had been discharged on application, thirty were duplicates, thirty-four had voluntarily entered," and, among the rest, some were found "totally ignorant of the United States," some "desertions," some "taken in privateers," and some "with fraudulent and erased protections." He had appealed to this report, he said, with no other view than to show that a great proportion of the complaints on this subject proceeded from persons not citizens of the United States, and therefore not entitled to our protection; and, withal, to show the great number of their subjects we are in the constant habit of employing on board of our vessels, and the extreme difficulty the subject presented as a matter of negotiation between the two countries. Under these circumstances, we knew it had not been deemed a good and sufficient cause of war, under General Washington's Presidency, nor under any subsequent Administration, until the present. It had been always hoped the matter might be negotiated and arranged in some amicable way. Mr. Monroe, Mr. S. trusted, would be received as good authority upon the subject, at this time of day. A paragraph or two from the letter, explanatory of his rejected treaty, would serve to show that Mr. Jefferson was not disposed, even to the last of his Administration, to break the peace of the country on that ground:

"The impressment of seamen (says Mr. Monroe in that letter) from our merchant vessels, is a topic which

* General Desha was understood to be in the Chair of the Legislature of Kentucky at the time.

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claims a primary attention, from the order which it holds in your letter, but more especially from some important considerations that are connected with it. The idea entertained by the public, is, that the rights of the United States were abandoned by the American Commissioners in the late negotiation, and that their soamen were left, by tacit acquiescence, if not by formal renunciation, to depend for their safety on the mercy of the British cruisers. I have, on the contrary, always believed, and still do believe, that the ground on which that interest was placed by the paper of the British Commissioners of November 8, 1806, and the explanations which accompanied it, was both honorable and advantageous to the United States; that it contained a concession in their favor, on the part of Great Britain, on the great principle in contestation, never before made by a formal and obligatory act of the Government, which was highly favorable to their interest; and that it also imposed on her the obligation to conform her practice under it, until a more complete arrangement should be concluded, to the just claims of the United States."

He further adds, in another place:

"It was the more to be presumed, that the Government was willing to accept, in the mode which it proposed, the condition which we might be able to obtain in the other, from the consideration, that the latter were under its view at the time the instructions were given, by the paper of the British Commissioners, of November 8, and our letter of the 11th, and the certainty with which it, (the Government,) as well as we, must have been impressed, that more favorable conditions could not be expected." And again: "The Government was equally willing, with us, to enter into some arrangement, which would preserve the peace of the country, although it should not accomplish the object which had been so ardently desired."

More on this head need not be added, as it is most manifest, if war was to grow out of impressment, that it ought to have been declared while the Chesapeake affair hung over us, as that disgraceful occurrence grew out of impressment. But Mr. Jefferson cherished a different policy, and would not call Congress on the occasion.

Mr. Speaker, said Mr. S., if we are to raise the proposed army, commence a war of conquest, take possession of the Canadas, and, afterwards, as the gentleman from New Hampshire (Mr. HARPER) tells us, we are to turn our attention to the Bahama Islands, and conquer them also, when and where is this spirit of conquest and dominion to end? If we indulge in it, then are we to be overwhelmed with all the miseries of poor miserable Europe; for there can be no end to wars of ambition and conquest. From a consciousness, on the part of Great Britain, that we could take possession of the Canadas, he believed she had forbore to make direct war upon us before now. She was not very squeamish on the subject of war; and when we prohibit all trade with her, which, he believed, it was just and right to do, she had no interest in a peace with us. Thus the Canadas, he observed, had served us as a pledge for her better behaviour. He would rather they should remain that pledge, than possess ourselves of them, and then not know what to do with them afterwards. It was impossible for the

United States to hold and govern them. If we did, we must infuse a little more energy into our system of Government than it had at present—the energy of standing armies and standing taxes. Great Britain, sir, said he, deserves war at our hands. deserves to be chastised, and made to be just, if we had the power to do it. But we are a young nation, and have not the power. To attempt it, is but to throw aside our pacific character, and put on that of a belligerent military one; in fact, to inflict ruin upon ourselves. She struggles, sir, for her existence; and if she meets her fate, it will have proceeded from the madness of her own councils, and the folly of her own measures. Her conduct conciliates no American feelings in her behalf; it ought not. But shall we, therefore, permit ourselves to fall into the same madness in our councils, and commit like folly in our measures? Can we persuade ourselves, that a "war of aggression" and conquest can suit the great agricultural interests of our country? Will it subserve the interests of commerce itself, or, indeed, any other interest, in the present state of the world? Though not impossible to hope, it was certainly not reasonable to expect it. The vexations of our commerce, from the one or the other of the belligerents, since the French Revolution commenced, had continued, without interruption, during their wars to the present time, and afforded just cause of war to the United States, but the policy and expediency of it was denied, on the Republican side of the question, at all times.

Notwithstanding, sir, what gentlemen may say, we are at present the freest, happiest, and most prosperous people upon earth, combining the view of our internal improvements with our external commerce. It may be well said, our merchants are the Jasons of the day, and are literally fetching away from Portugal and Spain the golden fleece, and leaving Great Britain and France to contend for the carcass. Such was the price, and such the demand, for our wheat and flour in those countries. The truth is, sir, that the great commercial question is between the United States and France, and her continental system.* Her municipal regulations, and her exclusion of our commerce, deprives the Southern States of their greatest and best markets for their tobacco and cotton. These articles are not worth taking to market, and, without some change in Bonaparte's system, never like to be so again. That this is the state of the case, gentlemen cannot deny; a communication from the French Minister, and other documents on the table, go to show it. The President, in his Message, has recommended to Congress to adopt countervailing measures, but nothing has been yet done. British injustice has been justly met with the non-importation law—a countervailing system, such as has been relied upon heretofore, under

* By a late report of the Secretary of the Treasury, it appears we export of our native productions to Great Britain - - - - - \$20,308,275
To France and Italy, only - - - - - 1,194,275

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Mr. Jefferson's Administration, to save the United States from the calamities of a war—and was such a one as must operate, and did operate, with as much effect upon the enemy as the contemplated war could do, and with far less evil effects upon our own interests and happiness. The law in question did not itself propose to the belligerents to go farther than to enforce non-intercourse with that one which should not repeal her edicts; and, for one, he was not disposed to go farther.

Mr. S. said he had opposed the war, and the measures leading to it, as impolitic and unjust, in Mr. Adams's time, and should not feel himself an honest and consistent politician not to oppose the war now contemplated. It would be for others to reconcile the old Republican policy with the new, in their own way; it was not in his power to do it. The affair of the Chesapeake taken out of the question, the state of the case was plain and easy. The amount of French depredations is known to have been nearly four millions at that period, for we paid it to our own merchants according to the convention of 1803, and the character of the belligerent edicts are before us. We can see and compare them for ourselves. We predicate the present war without equal *data*, upon an alleged amount of wrongs.

If, sir, we pass the bill before us to raise the twenty-five thousand men, it will be rather a Congressional than a Presidential army. The President, under his view of the occasion, recommends an additional force of ten thousand men as sufficient to put the country in that armor and attitude which he deemed proper to meet the crisis; and still, not with views of immediate war, so far as we know, we make it twenty-five thousand, and declare them for purposes of immediate war. All this may be, as it should be, a just and wise course, but it appeared to him like supporting the Administration over much. He was willing to support it, and go with the majority so long as they adhered to the principles which brought them into power, and no longer.

Mr. Stow.—Mr. Speaker, as I am not in the habit of occupying the time of this House, I trust they will listen to the few observations I am about to make with patience. The subject is of the utmost importance, and as it is my misfortune to differ in opinion with most of my political friends, it is a duty I owe to this House, to my constituents, and to myself, to make some explanation.

We are this day called upon, Mr. Speaker, to decide the most momentous question which has ever came before the Legislature of this country since the Declaration of Independence. On our decision hang the future destinies of our country. Peace and war are alike before us. Our determination is, in my opinion, to pronounce whether this country shall have peace, plenty, laws, liberty and rational religion; or whether we shall have not a single war, of two, six or eight years, as the case may be—but whether, by one war, we shall create an interest which will plunge us into all the future wars which shall agitate the civilized world. But we are told that whenever a nation is injured, honor imperiously calls it to war—that

we must fight—that it is dishonorable to calculate. I deny that honor or prudence requires the indiscriminate resistance of injury, either in an individual or in a nation: how long to bear, and when to resist, is the province of reason to decide, not of passion—it is the business of sound calculation; it must be determined from an enlightened view of all the attendant circumstances. Among these circumstances I readily admit, that the reputation of courage, the character of avenging wrongs, is entitled to great consideration, inasmuch as it often prevents future insult and injury. It is wisdom to determine on the best course, and when that course is determined on, it is courage firmly to pursue it; and it is honorable to listen alike to the dictates of wisdom, as well as of courage. I confess I am too proud to calculate—in the language of unerring truth, “to sit down and count the cost.”

For what do we go to war? Not for the comforts or conveniences of life—not for our lands, our wives, our children, our families—not for our laws, our liberties, or our institutions: all these we have, and they are safe. For I do maintain, Mr. Speaker, that our country is essentially prosperous. It is highly so, when compared with any other country. Our agriculture and manufactures are daily improving. Where is the person in America who suffers for want of the necessities of life?—for food, clothing or shelter? Where are the children who want instruction, or who go hungry to bed? If we go to war, it will be for luxuries, not for necessities. I know that considerable difficulties exist in our mercantile towns from the interruption of trade, and I deeply regret them; but many of the evils of which we complain have not sprung from foreign injury—they are artificial—they have grown out of our extensive system of banking. By means of banks, credit has been obtained easily—money has appeared plenty: we have been too extravagant in our expenses, and we have contracted debts with too much facility. War will not remedy these evils—it will not pay our debts, but it will increase the disorder, and plunge us deeper into debt.

But we are going to war for commerce. Commerce will be annihilated by war. We are to fight for the right of carrying our productions to the Continent, where no prudent man would carry them. We are to go to war for what must be destroyed by war; and we are about to fight for the right of going where we do not want to go: or, are we to fight our cotton and tobacco through the hostile fleets of Great Britain, and through the municipal edicts of Napoleon, to a market, and then trust fortune for getting the avails of it back? For these idle projects—for these less than “shadowy forms”—we are about to plunge this nation into all the horrors of war. For these we are to have standing armies, and navies, and impressments, (for I do maintain, that from the nature of the thing, to make a navy efficient, you must resort to impressment,) and widows, and orphans, and taxes, and debts, and funding systems, and contractors, and stockjobbers, and speculators, and Executive patronage. Can any curse be

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added? Yes, monarchy, in due time, for these are the stuff which monarchies are made of. And for all these evils the people, that is, the industrious farmers and mechanics, are to be compensated in Quebec, in Halifax, and in glory. When all the vices and calamities which attend the system of an eternal succession of wars, present themselves before me, as a lover of my country, I hardly know whether to wish that the war we are about to engage in may be successful or not. If it shall be unsuccessful, I shall have to endure the mortification of seeing my country disgraced; and, if successful, I fear it will lure her on to a system of wars and debts, which must end in the loss of her liberties.

We are told, Mr. Speaker, that commerce must be protected. From whom does this come? Have the ship owners asked your assistance? Are there any petitions from merchants on your table? No. They, for once, beg only that you will let them alone; you have already loved them (as the ape did her child) so well, that you have hugged them almost to death. It is remarkable that this spirit of protecting commerce has come from the interior! It is not from the ship owners, but it is from men furthest removed from ships. When a man rises in this House, you may almost tell how ardent he will be, by knowing how far distant he lives from the sea. But how, Mr. Speaker, are we going to protect commerce? By taking Canada! Under this pretext (I meant to say project,) our commerce is really to be swept from the ocean—it is to be annihilated! How will the capture of Canada protect commerce? It will be like a man who, for the purpose of securing a rice field, should go and fence his neighbor's corn field. No, Mr. Speaker, if you will defend your rights on the ocean, it must be by a powerful maritime force—it must be by seventy-fours—it must be such a force as can cope with your enemy: lay a fifty-six pound weight in one scale, and go to putting pound weights in the other scale, and you will have done nothing till you have put in fifty-six of them—you will not have raised the opposite side a single inch. It is the same in maritime affairs—unless a nation can cope with, she builds ships only for her enemy.

I repeat, that it is the business of sound calculation, to determine whether the evils induced by such a fleet, would not be greater than all we should suffer from the want of it. The object of a nation, or individual, ought to be, to choose the least possible evil. Without regarding this principle, a person, because he had a right to travel a certain road, would not go round an inch, but would push forward, although it were beset by highwaymen, and his advance were certain death. A person who should fight for mere right, without any calculation of utility, would stop to cuff a bear or a thorn bush, if it chanced to be in his way. But, Mr. Speaker, some gentlemen appear to have an utter aversion to calculation—they seem as if they did not dare to trust themselves with it—they can hardly bear to adjourn from day to day. Let me tell those gentlemen, who have so much fear that the spirit will cool by a

little delay, and a little reflection, that they would soon cool under the walls of Quebec. If they cannot trust themselves in this comfortable place, they would soon be brought to other counsels amidst the snows of Canada.

Thus, Mr. Speaker, I have endeavored to explain, though in short, my views of the subject. In the present situation of the world, I am in favor of peace—but the majority have the right to decide. I shall consider the vote about to be given on this bill as pronouncing their determination; and should it be in favor of war, I shall deem it my duty to support that determination, and to do all in my power to make war successful, and to bring it to an honorable close.

Mr. D. R. WILLIAMS said, there was nothing more natural than a desire to justify the vote we are called upon to give upon so important a question as the present; even in ordinary cases it is both natural and justifiable; much more so in a case which is of sufficient magnitude, abstractly considered, to excite all our solicitude, now become infinitely more momentous by the course the argument has taken; for the question is, not only shall the bill pass, but shall there be war?

After the maturest deliberation he had been able to give the subject, he must confess that he was not perfectly satisfied with the details of the bill before the House. He believed it to be fairly liable to the objections urged against it by his worthy friend from North Carolina, (Mr. MACON.) Sir, the organization of the troops contemplated to be raised is new; it is true it had been intimated to be an imitation of the French organization, but that is not the fact, and, viewing it as an experiment, he could not but distrust it or any other that should be attempted at this time. It puts down the old system, which carried us safe and triumphant through our war, and perhaps might better through another than to take up one that is new, untried, experimental; besides, it certainly does establish a preference in the command of officers of the same grade in the old and this new army; he thought the jealousies sufficient already, without adding new causes; but as it is impossible every member should obtain his precise wishes in matters of detail, perhaps no one ought sooner to distrust his own judgment than himself, and as the principle of the bill met his approbation, he would vote for it, more especially as he considered it the first measure of war against Great Britain.

To his mind there appeared to be only these courses left for the nation: Repeal the non-importation law and take a war with France; make war on Great Britain, or submit to the principle of her Orders in Council. Which alternative then shall we accept? He had no agency in bringing the country into its present situation, but it was not, therefore, less his duty to exert every effort to rescue her from it. The period had arrived when he considered indifference as criminal; that he who was not for his country was against it. He was not disposed to repeal the non-importation law at this time; because he

considered, no matter whether he approved of the fact or not, that the faith of the nation was pledged to retain it, and that its repeal would, of course, be a violation of that faith; nor did he believe that any circumstance could arise, so imperious in his mind, as to induce him, by any vote of his, to violate a faith so dear, and heretofore so immaculate. The repeal of that law, happen when it may, must necessarily depend on circumstances that are not yet known.

To yield to the principle of the Orders in Council, is a virtual abandonment of the rights of an independent nation. He meant not to drivel out this debate by following some gentlemen through their tedious details concerning the relative importance of the events of 1798; let us come home to the present times, and inquire what is that principle? Practically considered, it is the exercise of supreme legislation over us, involving not only all the attributes of legitimate sovereignty but despotism direct. And when honored with seats in this House, while intrusted with the interests and rights, too, of the people of the United States, shall we basely, and without resistance, succumb to British domination? The question then is, ought resistance to be made by physical force?

He could not but rejoice that neither the revocation nor modification of the French edicts enter into the present discussion. However positive and important the repeal or modification of the Berlin and Milan decrees may be to us, they are, in relation to Great Britain, now merged by her in considerations of far different character and import. The demands made by that Government, through its accredited Minister here, has thrown the repeal of those decrees entirely out of the dispute; because, contrary to her solemn and reiterated promises, whether they are repealed or not, her orders are to be continued in force. What now is made the basis of their revocation? You are required to act within the territorial limits of France; to put down her municipal regulations; to overthrow her whole system of internal trade and manufacture, whereby a channel may be opened for the introduction of British manufactures into French ports. Is it possible that any man can mistake the secret object of such a requisition? Can it be concealed that it is equivalent to an absolute, unqualified rejection of every overture for a repeal on her part? What pretext of justice has she for such a demand? Are French manufactures admitted into her ports? Will she admit them under any circumstance whatever? Does she even permit you, who are to procure this advantage for her, to carry your own manufactures to her dominions? No. If, then, the renunciation of the principle of her orders depends upon our securing to her the introduction of her manufactures into France, what are we to expect? What other resource than positive resistance have we left? We are then brought to a direct decision, either to submit to the principle, or to oppose it by force. Submit! did he say? he shrunk with detestation from the idea! Indeed he felt humbled by the seeming necessity of

speaking of it; but the gentleman from Virginia (Mr. SHEFFEY) had made it necessary to expose such a ruinous and disgraceful course. Much as he respected—he did not mean to reflect upon the man—but his arguments he abhorred.

To his mind every hope that an accommodation may yet be effected with Great Britain appears perfectly unfounded. If there is a member of this House too idle to examine, or having examined the documents on your table, has not confidence in their statements, or does not believe that every effort by negotiation has been made, such a man deserves not to be convinced; to all others, any illustration of mine is unnecessary. Sir, negotiation has been exhausted; there is silent but conclusive testimony to the fact. Neither within this House, nor without it, to his knowledge, has any man, however violently opposed to the Administration, ventured the slightest intimation to the contrary; even the gentleman from Virginia, acute as he is, and hard as he labored against the bill, did not suggest a doubt. If, then, negotiation is exhausted—it is a fact no where denied—what alternative have we but to fight or succumb? Gentlemen need not dwell upon the miseries, the consequences of war. I dread the curses of posterity more. But, sir, what are the causes of war? Similar injuries with those of which the old Congress complained, and against which they fought. Great Britain “exercises unbounded sovereignty on the ocean; she names the ports and nations to which alone our merchandise should be carried, and with whom alone we should trade.” The wanton plunder of our property—the unprovoked impressment of our fellow-citizens—the assertion of principles, and the practice upon them, absolutely incompatible with our independence! Shall I go on? No. Gentlemen cannot bear to hear the nauseous catalogue of wrongs repeated; notwithstanding they will not resent them. The same gentleman from Virginia acknowledges we have had sufficient and justifiable causes of war ever since the years 1805 and 1806. Indeed! what were they? The interruption of a trade during war, not enjoyed in a time of peace. Was the impressment of seamen then such a cause of war? If these were justifiable causes of war then, how can he refuse to avenge the wrongs of his country now, increased and extended as they are? To his mind the interruption of that foreign carrying trade, injurious as it was, bears no comparison with her restrictions on the exportation of our own products. He could not give utterance to the indignation he felt at the imposition of a transit duty on our commerce to any part of the world that Great Britain might choose to interdict. No; the gentleman may reply, the Orders in Council do not levy contribution on our trade now, they are modified, so as only to interdict particular places. If one place, why not every other place? But, indeed, has that proud, unbending nation modified her orders, of whom he declared it was impossible to divert from her purpose? Was it discovered she had taken too rank hold upon the peaceable habits of our people?

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That the imposition of such a tax had excited a ferment injurious to herself, the consequence of which no sophistry could conceal? Was the burning of gin at Baltimore calculated to induce a belief that it might renew the same scenes with the destruction of tea at Boston? The outrage was, indeed, too nearly allied to the causes of the Revolution to be borne. The orders are therefore modified; but the evil still exists, the principle is retained, and is the same, whether exercised by her in imposing a tax on our trade, in restricting our commerce to particular places, or in asserting unbounded sovereignty on the ocean. What, at this moment, is the practical operation of her orders? She marks out the course and destination of your ships, laden with the productions of your own soil; if you vary in the least from the limits she prescribes, your property is captured and condemned "for contravening His Majesty's Orders in Council!" Shall we be again asked for the causes of war?

The same gentleman of Virginia asks, what are the objects of the war? The objects are necessarily involved in the causes of war; and, to his mind, were legitimate, honorable, just, and necessary. The liberation of our unfortunate, incarcerated scamen is one object acknowledged by the gentleman to be proper. The sufferings of this meritorious description of citizens, who are as much entitled to protection as any other, (no matter how elevated,) cannot be palliated, and ought no longer to be endured. The right (not a restricted permission from Great Britain) to a free and common use of the ocean is another; the renunciation of a principle which exercises foreign jurisdiction over us, another; the reacknowledgment, not in form, but in fact, of independence—practical sovereignty—another. There can be neither security for our rights nor our property, when the power of taxation can be exercised, (it is immaterial under what name or character,) without representation; for surely the produce of labor is his, who can take of it whatever he pleases. Deprived of these great and vital objects, who has a mind to calculate the result? And yet, great and vital as they are, they constitute only a part. Will the gentleman reply, they are neither just nor necessary? What gave rise to the Revolution? Not a paltry tax on stamps or tea, but the assertion of the right to those taxes. What now is our situation? The principle and practices against which we are called upon to act, are, in magnitude and importance, infinitely transcending those of that day. To avoid war, we have receded, step by step, until we have not one inch of honorable ground left to stand on. Are we not degenerated? He would be glad to learn from the gentleman which of the numerous outrages we have suffered from Great Britain is greatest. So numerous are they, it appeared to his mind almost impossible to determine which is worst. We are now called upon to assert these objects; if there is no other practicable mode than force, we are bound to make great and cheerful sacrifices to sustain that force. But suppose unqualified submission is yielded, will that satisfy

her? He thought not. A disposition to advance on a receding opponent marks her character; your own experience teaches; yield them but for a cent, or a moment, and her system is fastened on your neck forever. To war there must be an end; to this there never will be. Her system, sir, is levelled at your most valuable interests; in a pecuniary point of view, it carries poverty and wretchedness everywhere; in every other it ought to be spurned with detestation. Indeed, sir, it is fastening a gangrene at the heart of the nation, which will imposthume in corruption and ruin; its life-strings must rot.

It has been said our Constitution is not calculated to sustain a war. It surely is not calculated for submission; if it be, its brightest glories are gone, and his solicitude for its preservation must vanish with its virtues. He did not believe this was the fact. What is this Constitution? It is a system of government which combines a vast variety of interests and character in one great national family. In this family are many peculiar interests; how, then, is it to be kept together? He wished to feel for the people of New England as he felt for the people of the South—each have their peculiar interests. That of the Eastern section of the Union depends upon the right to navigate the ocean; that of the Southern States, in the possession of a certain species of personal property. If you withdraw the protection of the General Government from either, what is there left to cement its attachment to the Union? Will any man contend that the rights of the one on the ocean are not as dear, or ought not to be maintained, as far as practicable, as inviolate as those of the other on the land? But it has been said, by the same gentleman, the people will not support a war for any object that does not touch their soil. There seems to be a sort of magic in these words. The British capture American vessels laden with the products of our own soil, destined to France; the people will not resent this, because the soil is not touched. He would be glad to learn from the gentleman what principle is there that will justify the seizure of our produce on its passage from Charleston to Bordeaux, that will not equally justify the capture of our vessels bound from Boston to New York? What then becomes of your coasting trade, the most important branch of commerce? It may all be destroyed; and yet, according to the doctrines of the day, the soil is not touched! But the destruction of the coasting trade is not sufficient to satisfy the implacable hatred of the enemy; the bays, rivers, and harbors, are infested with pirates; everything that floated on their broad bosoms is also destroyed; this comes still nearer the land, yet the soil is not touched! Suppose the soil is touched, the hostile standard planted on the castle, and Boston laid in ashes, will the gentleman be contented to drive the enemy to the lines? He dare not follow them; beyond it would be foreign war! Yes, sir, just as much foreign war as we propose to wage; the people will not bear it! This is just such stuff "as dreams are made of." The soil, sir, is touched; he felt it

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every man must feel it in his pocket, if not in his heart, that the soil is touched, is violated. The violation reaches to the fireside of every man in the nation, and the violators ought to find that the day of retribution is come.

But, it is said, this war will not do; it will not be popular; that the provocations in 1798 were greater than they now are, and yet the old Republicans opposed the war of that day. It was not his intention to follow the gentleman (Mr. STANFORD) through his long details of those times. He was unwilling now to excite feelings long since buried. It appeared to him that this gentleman's opposition was induced by a singular cause indeed. It seems we have adopted a new rule at the present session—one not practised on in 1798; and as there was no war then, it will be out of order to resort to it now.

[Mr. STANFORD explained, that he had not said there was no war then, but that he had been opposed to the war.]

He thought (continued Mr. WILLIAMS) it was not material to inquire whether the provocation was greater in 1798 than now; but whether the present causes of war can no otherwise be removed; and if not, is war therefore necessary and just? But, if we must look back into the amount of our losses then; if gentlemen must be met upon their miserable calculations of pounds, shillings, and pence, let us examine the statements of the gentleman from North Carolina; if I mistake him I shall be glad to be corrected. I understood him to say the proof was indisputable, that the injuries then were greater than the present, because, in the Louisiana treaty, there was a stipulation for the payment of more than three millions of dollars to American citizens, being the amount of depredation on our commerce by France; and that this sum far exceeded the losses sustained by the Orders in Council. The gentleman is unfortunate in his comparison. Although there are no documents in the possession of the House which show the number of captures under the Orders in Council, from the best estimate he could make, and from the opinion of practical men in the House, that amount falls far short of the recent captures that are every hour increasing. Since the decision of Sir William Scott, in the case of the Fox, ninety others (he spoke from memory) had been condemned. The average value of these vessels and cargoes is considered low at fifty thousand dollars, and in the aggregate far exceed the losses he has alluded to. When it is remembered, that, during the operation of the Berlin and Milan decrees, American merchants withheld their shipments to France—for after the case of the Horizon every one was alarmed—it is very evident that the orders have been as deadly as in such circumstances they could be. Is other proof required? Look to the insurance offices; they will not insure against captures under the Orders in Council for less than a war premium.

Why, asked the gentleman from Virginia, (Mr. SHEFFEY,) shall we raise an army now, when we refused to do it in 1798? Was it because we were

then out, but are now in? The sheer politician, the man who seeks a seat in this House for what he can get, no one can more heartily despise than himself. Such are the wretches who alone are affected by the circumstance of *in* and *out*; but the men who come here to represent and promote the interest of the country—who ask, who seek, who wish for nothing for themselves—cannot be influenced by any such unworthy considerations. Argument upon this point is superfluous. He appealed to the gentleman himself for the fact. He could not but consider the inducements to avoid the war of 1798 to be very different from such as present themselves now. What was our situation then? Does it bear the least resemblance to the present? We then enjoyed a prosperous trade with Great Britain, which the gentleman states to be to that of France as thirty-two to two. Neutrality was then practicable; we were in fact reaping the golden fruits of neutral trade. While all its rich streams were pouring into our country from every part of the world, we were then growing rich and great; it surely was inexpedient to go to war; we could gain nothing by it; it was madness. Do these circumstances exist now.

But the people were jealous of the Army in 1798. He wished he could speak of the transactions of those days without alluding to the facts calculated to excite unpleasant feelings. This was not his object. Why were they jealous? They saw that the army was palpably useless, or worse. It was impossible to employ it against France; not so against themselves. The alien and sedition laws; the doctrine of the necessity of humbling in dust and ashes a great democratic State, filled them with alarms; they feared their then rulers intended to change the Government, and that the Army was the instrument to effect that purpose. The volunteers, too, were opposed—their Prætorian bands—because the power vested in the States, in relation to them, was contravened. The States were robbed of the absolute right to officer them; he said robbed, as that power which is wisely given to the States as a counterpoise to the physical force of the General Government, was unconstitutionally taken from them and given to the President alone.

He understood the gentleman from Virginia (Mr. SHEFFEY) to say, we were going to war for a mere phantom; for, if the orders were repealed to-morrow, the trade to France was not worth having. What are the orders worth? said he. Nothing; they were only paper and ink. The deep inroad that horrible system has made on the character and interest of his country ought not to be so considered. Is it possible there should be one man left in the nation who can think the revocation of a principle which not only shuts the continent of Europe against your commerce, but warrants its extension through every species and grade of injury and insult, only paper and ink! It may be easy for the gentleman, who estimates national honor as a bubble, to contemplate the Orders in Council with perfect indifference; but, for himself, he could not see in them any-

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thing that was not perfectly loathsome. Sir, we have talked so long about trade—about what ought and ought not to be granted—it seemed we had forgotten what it ever had been. Let us look back a little; perhaps when we are sensible of what we have lost, we may be willing to make the greater efforts to regain it. I am apprized, sir, that the theory of the balance of trade between nations, taken from custom-house books, (we have no other authority,) has constantly, and, perhaps, will continue to deceive the wisest statesmen; but, so far as our reports from the Treasury go to show the amount of actual imports and exports, they may be safely relied on. What, sir, was the state of our commerce in 1804? Upon an average of the years 1802, 1803, and 1804, it stood thus: To the British dominions, in Europe, (Gibraltar excepted,) we annually exported, of domestic products, \$16,430,000; of foreign merchandise, \$2,260,000; making an aggregate of exports, \$15,690,000; but the amount of our imports, from the same places, was \$27,400,000; leaving a balance in favor of Great Britain of \$11,710,000; but notwithstanding the exportation of cotton had increased in 1804 to \$6,200,000, the exports of that year were only \$13,200,000, while the importation had been swelled to the enormous amount of \$27,600,000; leaving a balance against us, for that year, \$14,200,000. The balance in favor of Great Britain, in our trade to British India, is stated at \$8,500,000, which, added to that of her European dominions, constitute a balance in her favor of \$15,240,000. It is to this point he wished to call the gentleman's attention. How is that balance obtained? If he will attempt to account for it indisputably, he must find the Orders in Council are not merely paper and ink. Again, sir, the importations from all parts of the world, during the same period, were, from British dominions, \$35,970,000; from the Northern Powers, Prussia and Germany, \$7,094,000; from Holland, France, Spain, and Italy, (now France,) \$25,475,000; from the dominions of Portugal, \$1,083,000; from China and other native Powers of Asia, \$4,856,000; from all other places, \$838,000; making an aggregate of \$75,316,000. The exports for the same period, and to all other parts of the world, were, of domestic produce, \$39,928,000; of foreign merchandise, \$28,533,000; of these amounts there were exported to the countries over which the French dominion is now extended, of domestic produce, \$12,183,000, and of foreign merchandise, \$18,495,000; making the aggregate exports to those places, \$30,673,000; the aggregate imports amounting to \$25,475,000, leaves a balance in our favor of \$5,203,000; while, at the same time, the balance was on the trade to British dominions, \$15,240,000 against us. Sir, what has become of this commerce? He entreated the gentleman to inform us how this immense balance was to be settled when all the commerce of the country, to other places than British, was cut off? Every practical man knows, the gentleman himself must know, that the profits of the trade now destroyed by the Orders in Council are necessary to make

up the deficit of our exports to Great Britain. The gentleman states the exports of domestic produce to France at \$2,700,000; to Great Britain at \$32,000,000; of course, said he, to go to war for the revocation of the Orders in Council would be to barter a trade of thirty-two millions for one of two millions seven hundred thousand dollars. So that, by the same process of reasoning, had the orders destroyed the whole trade to French dominions, it would be still more unwise to resist them, as the trade to Great Britain would be in a still greater proportion than thirty-two to two. Is it possible the gentleman should not see that, by his argument, the greater the injury suffered from the Orders in Council, the greater would be their justification?

[Mr. SHERFFEY explained, that he had stated the exports to France were only \$2,700,000, previous to the existence of the Orders in Council, and therefore could not have been reduced to that sum by those orders. He was satisfied the gentleman from South Carolina did not mean to mistake him.]

The gentleman (continued Mr. WILLIAMS) does me justice; to misrepresent him is the farthest thing from my intention. But, Mr. Speaker, there is no difference in point of fact between the gentleman from Virginia and myself, however we may differ about terms. Sir, that trade was destroyed by British agency, and it is altogether immaterial whether the destruction was effected by her blockade of France, or by this or that Order of Council; the injury is received, the destruction is effected, the principle is the same. Sir, the injury is not confined to the reduction of the trade to France only, but affects that to Great Britain also, so far as its profits are necessary to maintain that trade. But what is the condition of the commerce with Great Britain now, which he estimates at 32,000,000? Truly miserable. The great staples of your country, wheat and flour excepted, (observe they are not articles of permanent export to Great Britain,) had better be thrown off the wharf than shipped there. Let me suppose the gentleman to be engaged in a particular branch of commerce; that his sales are restricted to a market glutted with from three to ten times the amount of its consumption, would not his ruin be inevitable? How is tobacco affected? Export 75,000 hogsheds to any place where only 15,000 are consumed, and the effect is obvious. Inquire into the state of the cotton market; where is the crop of 1810? A curse to him who meddled with it! Where is that of 1811? Rotting at home in the hands of the grower, waiting the repeal of the Orders in Council. Sir, I know, I feel these to be some of the effects of those orders; yet they must not be resisted, it would be to barter a trade of thirty-two for two! They are mere paper and ink!

But we are going to war for honor; that it seems is a mere bubble. It was astonishing to hear that gentleman, who himself cherishes as high notions of honor as other men, should seek to destroy it in his own country. That which is sacred in an individual, cannot be less so in a na-

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tion. Is that proud virtue, that exalted attribute, without which there is neither value nor patriotism in the individual, to be treated with disrespect, to be utterly discarded, when the great concerns of the nation are under consideration? Of what is the nation composed? Of brutes, sir, or men; high-minded, honorable men? He presumed he could offer no outrage so great to that gentleman as the slightest imputation on his honor, and shall that which graces the character of a gentleman be scouted from this House? Shall we, who hold our honor dearer than life and all its blessings, consider that of the nation as a bubble? Miserable indeed will be our condition, when there shall be "nothing level in our cursed natures, but villany direct." Sir, the gentleman preaches a dangerous doctrine; it goes to sap the foundations of society, to embitter the sweetest endearments of life. We have travelled far on the high road to ruin, when individuals are taught to calculate their interests to be at variance with those of the nation or its Government. Such doctrine must destroy us. But, said the gentleman, if honor is not a matter of calculation, why pay the tribute to the Barbary Powers? He hoped to be excused, when he declared himself mortified to see that gentleman stoop to such an argument; it is destitute even of originality.

When the embargo was laid, every species of contumely was cast upon all who approved it. We were accused of crimes, with a prodigality of abuse that was never before witnessed. That we had abandoned their rights to the ocean—that our seamen had been shamefully sacrificed—that our Eastern navigating interest had been treacherously destroyed. The embargo was at length given up, and the non-intercourse law was adopted. That, too, was wrong, says the gentleman; then non-importation was resorted to—still wrong. He prayed the gentleman to say what would be right. If he will neither stay at home to avoid injury, nor fight when it is inflicted abroad, what will he do? Sir, I am for fighting! No, says the gentleman, let us have no war, now you have selected your enemy, by purchasing of Napoleon the privilege of going to France. Is that a fair statement of the fact? that gentleman cannot believe it.

He is too honorable himself deliberately to suspect others of such dastardly conduct. He defied the gentleman to look back upon the conduct of the Administration, and point out any terms which had been offered to France, in the smallest degree, more favorable than have been offered to England. Were not the same terms offered to both, and always *first* to England? Is there any man who doubts that the same identical terms which France has accepted have been rejected by England? How then can it be said we purchased of France any right whatever? He did not think the gentleman could be guilty of believing such an insinuation. It is not true. But the reverse is the fact. The Administration did, at one time, offer more favorable terms to Great Britain than to France. He alluded to the offer to suspend the embargo. The terms then were

different; those to Great Britain most favorable. It was apprehended France would accept the terms offered to Great Britain, without affording that security to commerce which was considered a just equivalent for the repeal of the embargo. England herself selected the situation in which she is placed. The difference between the tone of supplication at London, and remonstrance at Paris, is, indeed, palpable. Have we not bowed, and begged, and entreated, for accommodation, until our then Minister at London had been charged by many, though not by him, with a prostitution of his functions and character; with disgracing the nation by his supplications? Did not every man in the community see that the Administration had done everything in their power to obtain a repeal of the Orders in Council, and yet because France has accepted, and England refused the terms of adjustment, it is talked of as the purchase of a right! When the arrangement with Mr. Erskine was effected, did any one then condemn the Administration for having purchased of Great Britain the privilege of going to her dominions? On the contrary, were not all rejoiced and anxious to share the credit of that arrangement? Sooner or later, sir, we must fight or be sacrificed; the sooner we begin, in my opinion, the better. But we must not resist the injustice and tyranny of Great Britain—she is fighting, said the gentleman, for her existence! for the liberties of the world! Sir, if her existence depends upon the ruin of my country, then, I say, down let her go. He thought the gentleman was as wide from the fact here as in any other argument. It is impossible, from the very nature of our commerce with her, that it should weaken, much less destroy her. A trade which consists in the exportation of raw materials and the necessities of life, receiving its returns, principally, in her own manufactures, must necessarily advance her interest and invigorate her strength. If she would abandon her mad policy against us, that same spirit of enterprise, which extended into every region of the world, seeking the means whereby to cancel that balance in her favor, before alluded to, would again pour its rich and tributary streams into all her dominions. Under such a state of things he would rejoice as much as any man to see her arm strengthened; but if that arm is to continue lifted against his country, he cared not how soon it was leprosed and destroyed.

She is contending for the liberties of the world! he would as soon have expected to hear that the Devil had espoused the cause of Christianity! So far from fighting for the liberties of the world, the standard of freedom had never been raised in any country without her attempting to pull it down. If it was not foreign to his purpose, he could trace her footsteps, wherever she moved, marked by blood and desolation; all the miseries of war and revengeful massacre have travelled in her train into every region inhabited by man. For whose fell cupidity were so many human hecatombs sacrificed in India? For whose more fell ambition did she wage war on infancy and inno-

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cence in the West? For whom does the savage yell now wake the sleep of the cradle? England! indisputably, to extend and secure the blessings of liberty to the world!

The gentleman had said, if the war on which we are about to enter be just, we have not the means to carry it on. His worthy colleague (Mr. LOWNDES) had rendered it perfectly unnecessary for him to meet this argument; he would, therefore, only observe, that if the war be just and necessary, it ought to be commenced; if commenced, it must be supported—cost out of the question. The power of maintaining it will find no limitation as long as you can raise a revenue sufficient to pay the interest of the debt you may incur in prosecuting the war. Sir, it is worse than idle to talk about war without a disposition to provide the means of carrying it on by taxes; they are inseparable. For his part he was ready to vote them, and he had no doubt that the people, knowing that the Administration had done everything in their power, and more than was called for, by any other consideration than a love of peace, to avoid war, would sustain it as long as the resources of the nation were applied with spirit and faithfulness; at all events let us do our duty and leave the rest to them.

But, if your means be sufficient, said the gentleman, your physical force is inadequate. If this army is employed without the limits of the United States, we are threatened with war on our Eastern frontier; our towns will be burnt—our cities sacked. Can the gentleman estimate the patriotism of freemen less than the obedience of slaves? Is the physical force of the owner of the American soil less than that of the mercenary hireling of Europe? Do you doubt? Call up the great spirits of the patriot dead—appeal to the unbroken valor of the living—to those men, the sterling excellence of whose virtues bore them triumphant through the unequalled horrors of the Revolution! He could not believe that seven hundred thousand freemen in arms were inadequate to sustain any war in defence of their just and dearest rights.

But it is said, if our means and physical force were inadequate to the war, our objects cannot be obtained by it. Mr. W. said he thought otherwise. It appeared to him much easier to settle the terms of a new peace, than to patch up the old quarrel. When he considered the limited extent of our demands, and the nature of the pressure on the enemy, he could not but believe our objects would be attained. What are our demands? What have we been so long seeking, rather begging—for we have begged negotiation? Truly, Mr. Speaker, in two short words, "hands off!" We ask—no, sir, we never have asked of her any boon, any sacrifice whatever. "Hands off" is the only term or stipulation that we sue for; fulfilled, she would bind this nation to her fate. But what is the nature of the pressure and injury that we can inflict? They are to her deep and dangerous. We also must suffer; but, thank God, we can stand it. The appetite of revenge is keen and steady; in most men inextinguish-

able. It was not wanting, however it may have been provoked, to enable individual enterprise to wage a war, if not of absolute ruin, certainly of vital injury to her commerce, not only "before our doors," in the West Indies, under the heights of Dover, but to the Indian ocean. Deprive the West Indies of the supplies of our necessities of life and of lumber, and their profitable cultivation would be too much diminished not to be considered. Take our raw materials from her manufactures, and they are injured, not merely to the amount of the enhanced price of such articles, but to the entire loss of their whole exports to this country. Is such an injury too trifling for her consideration? The conquest of her North American Colonies, too, must be felt. Yes, sir, conquest—for they must inevitably fall. The gentleman may depreciate the physical force of an American army as much as he pleases; but rely upon it, whenever the storm of war is poured on Canada and Halifax, it will sweep with the resistless impetuosity of Niagara.

But, if you wage a successful war, says the gentleman, the Army will probably overthrow the Constitution, as none but General WASHINGTON could have prevented the Army of the Revolution from subverting the liberties it had conquered. Mr. W. declared that observation was to him truly painful; he wished such an insinuation against such an army could have been spared. Sir, that army was true to the core. It is not probable that such a band of patriots—the only army that ever did give liberty to a country—could have imagined its destruction. To this fact the letters of Newburg were conclusive. Those letters were alone wanting to finish the purity of its character. Suppose there were two, or even three, traitors in a camp, does it follow that the whole army must necessarily be polluted? No, sir. So far was he from believing the liberties of the country were in danger from the Army, he would say, there never was a period, during the whole Revolutionary war, when the great WASHINGTON himself, justly as he has been described "the sanctuary of a nation's best love," could have been a successful usurper. It was as impossible as that such a black project should enter his virtuous mind. He felt the profoundest gratitude, even adoration, if it were justifiable for man, to that inestimable body of men who achieved the liberties we enjoy. Their arduous toils—their hardships—his feelings were too much excited to go on. He believed he could never have stood here a freeman but for that army.

If, sir, we are to take counsel of the gentleman from Virginia, we are in a most awful situation; notwithstanding the proud glories of the Revolution, we must submit to every indignity—every daring infraction of our rights. It would seem we are destitute of resources; without means to support the war; even our physical force is inadequate; but, was it adequate, were the means ample, they must not be exerted; the Government would be subverted; the veil of the temple of the Constitution would be rent in

twain. Although the best interests of this nation are crushed beneath the paw of the British lion, we must not resist; he then is wisest who can soonest bow, with all the stupid serenity of servitude, and take the yoke! Every faculty of my soul, said Mr. W., is indignant at this counsel, and for one, I say, I will not submit!

The question was now taken on the passage of the bill, and determined in the affirmative—yeas 94, nays 34, as follows:

YEAS—Willis Alston, William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, Josiah Bartlett, Burwell Bassett, William W. Bibb, William Blackledge, Harmanus Bleecker, Thos. Blount, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, John Clopton, Lewis Condit, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, James Emott, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Peter Little, Robert Le Roy Livingston, William Lowndes, Aaron McCoy, George C. Maxwell, Thomas Moore, William LeCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, William Paulding, jr., Israel Pickens, William Piper, Benjamin Pond, Peter B. Porter, Josiah Quincy, William Reed, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, George Smith, John Smith, William Strong, George Sullivan, Peleg Tallman, John Taliaferro, Uri Tracy, George M. Troup, Charles Turner, jun., Pierre Van Cortlandt, David R. Williams, William Widgery, Richard Winn, and Robert Wright.

NAYS—Abijah Bigelow, Adam Boyd, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, jun., William Ely, Asa Fitch, Jacob Hufty, Richard Jackson, jun., Philip B. Key, Lyman Law, Joseph Lewis, jun., Nathaniel Macon, Archibald McBryde, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Timothy Pitkin, jun., Elisha R. Potter, John Randolph, William Rodman, Daniel Sheffey, John Smilie, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, and Thomas Wilson.

TUESDAY, January 7.

Mr. BACON, from the Committee of Ways and Means, presented a bill making an appropriation for the expenses incident to the six companies of mounted rangers, during the year 1812; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. GHOLSON, from the Committee of Claims, presented a bill for the relief of the Board of Commissioners west of Pearl river; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. LEWIS, from the Committee for the Dis-

trict of Columbia, presented a bill to incorporate the Trustees of the Georgetown Lancaster School Society: which was read twice and committed to a Committee of the Whole on Monday next.

Mr. NEWTON, from the Committee of Commerce and Manufactures, presented a bill to authorize the importation of goods, wares, and merchandise, under certain circumstances, from Great Britain, her colonies, or dependencies; which was read twice, and committed to a Committee of the Whole on Friday next.

Mr. N. said, the Committee of Ways and Means had for some time delayed making a report upon these petitions, waiting to see the course which Congress would take in relation to our differences with Great Britain. Finding the United States are about to take a manly attitude and to maintain their national rights with firmness and spirit, they conceive that all goods, wares, and merchandise, that were purchased or contracted for by our merchants in the British dominions, anterior to the second of February last, ought to be permitted to be imported into the United States, and therefore directed their chairman to report this bill.

A Message was received from the President of the United States, enclosing a report from the Director of the Mint for the last year, in which it is stated that the supply of silver bullion had never before been more abundant, than it had been for the greater part of the year.—Ordered to be printed.

The House next went into Committee on the bill to empower the Secretary of the Treasury to decide upon the case of the Eliza Ann, of New York; which, being gone through, was reported to the House, and ordered to a third reading.

MUNITIONS OF WAR.

Mr. SEYBERT called for the order of the day on the bill authorizing the purchase of ordnance stores, camp equipage, and other quartermaster's stores and small arms.

The House having agreed to take up this bill, it resolved itself into a Committee of the Whole upon it; when, the bill having been read through, and the question being upon filling the first blank, Mr. SEYBERT spoke as follows:

Mr. Chairman—The bill which I have called before the Committee, is one of the first importance. A general report was heretofore made to the House, founded on the statements and facts which were communicated to the Committee by the Secretaries of the War and Navy Departments; every position therein assumed, can be maintained by incontrovertible facts. Much had been said about expense. In my opinion, when a nation has decided upon the great question of war, every minor question is thereby absorbed and obliterated—this question amalgamates every succeeding one. War should only be entered into when considerations of expense can have no influence on the decision. Such appears to be the present condition of this nation. We have determined in favor of resistance to the unwarrantable and unjust aggressions of Great Britain on our

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sovereign rights—we cannot stop, we cannot draw back, unless she recedes and repeals her hostile edicts. When the war is commenced, it must be viewed as an appendage to the war for independence. You have already taken the previous question on the subject; you have voted a regular army of 25,000 men, in addition to your Peace Establishment—they cannot be kept idle; idleness is the bane of the honorable soldier; to make them efficient you must supply them with arms. I have heard it said on this floor, that a part of your militia, the bulwark of the nation, is supplied with *cornstalks* instead of *firelocks*. If this be a truth, O! for Heaven's sake, apply a speedy remedy, you have the means within your reach: at any rate, make your regulars as efficient as possible. On this subject there can be no difference of sentiment in this House. It gives me peculiar pleasure, when I compare our present means with those which we deemed competent to commence the war for American independence. At that period, our fathers needed everything, but a bold and intrepid spirit, to lead them to freedom. They determined on the contest, and were triumphant. Can we hesitate? Surely not, sir, when we have all the necessary materials within our reach; nay, they are our national resources. Need I detail to you again, that we possess five hundred and thirty operative forges, furnaces and bloomeries; two hundred and seven powder mills; that the iron which is annually manufactured is incalculable in amount; that your lead mines offer a superfluity of that article; that our resources for saltpetre in the Western States are extensively known, and that the supplies may be made as abundant as the article is all-important. For sulphur, sir in common with most other nations, we are now dependent on foreign supplies; still I do not despond: and shall it be hereafter necessary, from circumstances, to seek for additions to the quantity at present at our command, I anticipate the aid of science, of chemical science, to point out the mode to separate this article from its combinations, which abound in the United States.

Sir, to some the amount which I shall require may seem enormous. It will be well applied; and to gentlemen who feel uneasiness on the subject, let them rest easy when they are told, that the greater part of the articles for which the expenditures are contemplated, are such as are *imperishable* from their nature; so that if Great Britain shall proceed to do us justice, and I hope to God she will without forcing them to arms, these supplies will form a stock for the nation in cases of future emergency.

One word, sir, on the subject of arms. The present stock is sufficient for all our purposes—our public establishments, and such as are furnished by individuals, will enable us to gratify the most sanguine expectations on this subject.

Sir, I will read to you the estimates which have been furnished by the proper departments, and will then submit to the Committee the several sums which are necessary to be voted by the bill.

Mr. S. having read the estimates to which he alluded, moved to fill the first blank with one mil-

lion five hundred thousand dollars, and the second with four hundred thousand dollars, which motions were agreed to without a division. The two sections of the bill then read as follows:

"*Be it enacted, &c.,* That the sum of one million five hundred thousand dollars be, and the same is hereby appropriated for the purchase, under the direction of the President of the United States, of ordnance, ordnance stores, camp equipage, and other quartermaster's stores, for the use of the Army of the United States.

"That the sum of four hundred thousand dollars be, and the same is hereby appropriated for the purchase, under the direction of the President of the United States, of saltpetre, and sulphur, for making the same into powder, and for ordnance and small arms for the use of the Navy of the United States."

The Committee rose, the House agreed to the amendments, and the bill was ordered to be read a third time to-morrow.

DISABLED SOLDIERS.

Mr. DAWSON then called up the bill for the relief of infirm, superannuated, and disabled officers and soldiers; which motion being agreed to, the House resolved itself into a Committee of the Whole upon it; when Mr. D. spoke as follows:—

Mr. Chairman: The pressure of business relative to our foreign affairs, and my infirm state of health, have delayed an indulgence of my wishes in bringing forward this subject at an earlier period, and indeed I now find it impossible to do it that justice which it merits.

In presenting to you this bill, I have obeyed the unanimous vote of the committee to whom the subject was referred, and the dictates of my own judgment, while I have gratified the best wishes of my own heart. It is a subject about which, in common, I trust, with a majority of this House, I feel warmly interested—it is a subject which has often been brought to the view of this House, and the principle has always appeared to me to merit the sanction of this House. A much valued friend of mine, an honorable gentleman who now sits on the bench in a neighboring State, and who himself was carried from the field covered with wounds and honor, often called the attention of Congress to the sufferings of his fellow soldiers, now infirm, disabled, and superannuated, by wounds received in our Revolutionary war. His voice was never raised in vain, though his efforts were never attended with success, owing to a diversity of opinion as to the details of the bill. The committee have endeavored to avoid that evil, by extending the provisions of the bill to the case of every person who sustained injury in his person, while in the actual service of his country. This, sir, meets with my approbation, though I shall with pleasure accede to the views of other gentlemen as to amendments not fatal to the bill, my first object being to get this institution established, leaving it to time and to experience to point out and cure its defects.

Ever since I have had the honor of a seat in this House, I have voted in favor of every claim which appeared to be founded in justice, and I have extended that principle with a liberal hand

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towards those who rendered us services, especially personal services, during the Revolutionary war. Their number is now small indeed, and in my judgment it ill becomes a great, and I trust a grateful nation, to suffer those who have fought her battles to go down in poverty and sorrow to the grave. No, sir, we ought to afford food and raiment to the infirm and superannuated, and to pour balm into the disabled defenders of their country. Every principle of justice, gratitude, and humanity, call aloud for this. And there is one consideration, arising from policy, which in my judgment strongly urges its adoption. We shall probably soon be involved in a war. On yesterday we passed a bill for raising a large army. Pass this bill, and it will have a happy effect in filling your ranks; yes, when it is seen that our country is not ungrateful—that she will make comfortable the declining years of those who have spent their better days in her service, it will be a strong inducement with many to step forward and enter into that service.

I am far, very far, from thinking this bill perfect. I am sensible that it has many defects, and I invite the friendly aid of all gentlemen, on every side of the Committee, and particularly of the select committee, to point out, and endeavor to cure these defects, and to establish a system which will do honor to this House and to this country.

Mr. RHEA moved to amend the bill, by a new section, "providing a pension for every noncommissioned officer and soldier, who, by reason of having a family, or for other good cause, may not be able to join the corps of invalids, not exceeding half the pay of such non-commissioned officer or soldier."

This amendment, after some debate, was negatived, and the bill was reported without amendment, and ordered to lie upon the table.

Mr. DAWSON gave notice he would call it up on Thursday.

STATUTE OF LIMITATIONS.

On motion of Mr. GHOLSON, the House resolved itself into a Committee, on a report of the Committee of Claims on the subject of excepting certain claims from the act of limitations. The report of the committee being read, which concluded with a resolve that it is inexpedient to open the act of limitations for the claims in question:

Mr. GHOLSON hoped the committee would not agree to this report. Information had been received from the Treasury Department, stating in a distinct and unequivocal manner, that all this description of claims (which were all liquidated claims, such as indents of interest, certificates, &c.) might be allowed by the Government, without danger of fraud or imposition; and, said Mr. G., if justice can be extended to this description of claimants, without danger, why should it be deferred? Only one solitary reason had been offered—that the persons really entitled to these claims upon Government might not get the money. He hoped this would not be sufficient to prevent Congress from doing what was just on the occasion.

Mr. CLAY (the Speaker) hoped the Committee would disagree to this resolution. It appears that the officers of the Treasury are of opinion that provision may be made for this description of claims without that danger of fraud, which might possibly arise from a total repeal of the statute of limitations; that their whole amount does not exceed \$300,000, and the probability is, that one-fifth will never be applied for, should they be authorized to be paid. What, said Mr. C., is this statute of limitations, which, whenever mentioned in this House, seems to make every body tremble? It is a general rule prescribed by the Government for the direction of its accounting officers in order to exclude unjust claims. What are statutes of limitation as applicable to individual cases? A rule under which individuals claim protection whenever they choose to do so, and when, from the lapse of time, or loss of evidence, they would be injured, were they not to take this advantage. But in these statutes of limitation, there are always exceptions in favor of cases of disability, infancy, coverture, insanity, absence beyond sea, &c. But what is the course which an individual would take who found himself protected by a statute of limitation? He would examine the justice of the claim brought against him, if the claim were just, if he had been deprived of no evidence by the delay, if as able to pay it as if it had been presented at an earlier day, he will not hesitate to discharge the claim, and scorn to take advantage of the statute. And, said Mr. C., shall the Government be less willing to discharge its just debts than an honest individual? Shall we turn a deaf ear to the claims of individuals upon Government because of this statute? He trusted not. The Committee of Claims ought to examine the merit of every claim which comes before it, and if it be just, decide in its favor. But what, said Mr. C., has been the history of claims, for four or five years past? When a solitary claim was presented, the House would say, we cannot legislate upon individual cases. They occupy too much of our time. The claim is put aside. The same individual, some time after, appears in company with others. We then say there are too many of these claims—their amount is too large, and the Treasury too poor—that there are a great many other claims equally well founded—that justice cannot be done to them all. Sometimes there is a division between the two Houses. This House passes a bill in favor of some particular claim—the other tells you, they will not legislate for particular cases; that if they act, they wish to take up the subject generally. Mr. C. said, it was his wish, both in his public and private character, as far as possible, to do justice; he therefore hoped the course proposed by the Chairman of the Committee of Claims would be agreed to.

The resolution recommended by the report was negatived, 54 to 31; and a resolution offered by Mr. GOLB, recommending a provision by law for these claims, after some objections from Mr. ALSTON, was agreed to 39 to 36.

The Committee then took up, on motion of Mr. GHOLSON, a resolution which had been referred

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to them, directing an inquiry into the merits of all claims referred to the Committee of Claims, notwithstanding such claims may be barred by the statute of limitations.

After some observations in favor of this resolution by Mr. GHOLSON and Mr. MILNOR, and against it by Mr. BACON, the Committee rose without taking a question upon it, and obtained leave to sit again.

WEDNESDAY, January 8.

Mr. LEWIS presented a memorial of the Levy Court of Washington county, District of Columbia, praying such alterations in the laws of the District as will enable the said court to impose taxes on the whole of the said county, and to erect and maintain a penitentiary; and that the members of the court may be taken from the several sections of the county according to their respective number of inhabitants.—Referred to the Committee for the District of Columbia.

The SPEAKER laid before the House a resolution of the General Assembly of the State of Ohio, approbatory of the sentiments contained in the President's Message at the commencement of the session, and declaring their determination to support, in every way, such measures as the Government may find it expedient to adopt towards the European belligerents.—Ordered to lie on the table.

An engrossed bill authorizing the purchase of ordnance and ordnance stores, camp equipage, and other quartermaster's stores, and small arms, was read the third time, and passed; as was also the bill in the case of the ship *Eliza Ann*.

The SPEAKER laid before the House a petition of the Ursuline Nuns at New Orleans, praying that the hospital which adjoins their convent, and is in a decayed state, may be removed, and that they may be permitted to build a house thereon for the education of females.—Referred.

Mr. MITCHILL presented the petition of certain inhabitants of Mississippi Territory, stating that boatmen, who navigate the Ohio, are frequently taken sick at the Natchez; that the inhabitants of that place and the Western country have made considerable exertions amongst themselves to establish a hospital for their reception. This petition prays for some portion of lands to enable them to effect their work, which he moved to be referred to the Committee on Public Lands.

Mr. POINDEXTER hoped the gentleman from New York would suffer this petition to lie upon the table until to-morrow. He presented a petition of a similar kind at two different sessions, which not only asked for lands, but proposed a tax on these boatmen for effecting this purpose, and which had been referred to the Committee of Commerce and Manufactures, but upon which, though he had frequently pressed the committee on the subject, no report had ever been made. If this petition lay till to-morrow, he would procure the petition which he had mentioned, and have it referred at the same time.—Ordered to lie on the table.

VOLUNTEER CORPS.

On motion of Mr. SMILIE, the House took up the order of the day, and went into a Committee on the bill to authorize the President of the United States to accept of certain volunteer corps.

The bill being read, an amendment was proposed to prevent the land which is provided for the heirs and representatives of any volunteer who shall fall in the service from being sold to speculators; but, after various attempts at amending the amendment, and considerable discussion, it was discovered that no volunteer could dispose of this land, as he never would have any right in it, as it vested in his heirs in case he died in the service only. The amendments were of course disagreed to.

A motion was afterwards made to allow every volunteer, who had served twelve months, on leaving the service, eighty acres of land; but this was disagreed to, on the ground that the men who entered into this service, would enter from patriotic motives, and ought not to be put upon a level with the regular soldiers.

The Committee rose, without going through the bill, and obtained leave to sit again.

BATTLE ON THE WABASH.

Mr. McKEE, from the Committee on Indian Affairs, to whom was referred the Message of the President, transmitting two letters from Governor Harrison, reporting the particulars and issue of the expedition under his command against the hostile Indians on the Wabash river, and the memorials of the Legislature of the Indiana Territory, and the officers and soldiers who served in the said expedition, presented the twenty-fourth ultimo, made a report thereon; which was read, and committed to a Committee of the Whole to-morrow. The report is as follows:

The committee to whom was referred the Message of the President of the United States, transmitting two letters from Governor Harrison, of the Indiana Territory, reporting the particulars and the issue of the expedition under his command against the hostile Indians on the Wabash, and to whom was also referred the memorial of the General Assembly of the Indiana Territory, and the memorial of the officers and soldiers of the militia of Knox county, in the Indiana Territory, who served in the late campaign under the command of Governor Harrison, report:

That they have had the several matters to them referred under their consideration, and have given to them that attention which their importance seems to merit.

It appears to the committee, that the troops under the command of Governor Harrison may very properly be termed *raw troops*: very few of the officers, and almost none of the men, had ever been in actual service; and a considerable portion of them had been only a few weeks withdrawn from the pursuits of civil life. The attack made on this quickly-assembled army by the hostile Indians on the Wabash, when viewed; either as it relates to the nature of the enemy, the time, or the violence with which the attack was made, cannot but be considered of such a character as would have severely tested the collected firmness of the most able and experienced troops. This attack, violent and unexpected as it seems to have been, was repelled by the

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troops under the command of Governor Harrison, with a gallantry and good conduct worthy of future imitation. The whole transaction, in the opinion of the committee, presents to the American people a new proof that the dauntless spirit of our ancestors, by whom the war of the Revolution was so ably and successfully maintained, has not been diminished by more than thirty years of almost uninterrupted peace, but that it has been handed down, unimpaired, to their posterity.

In estimating the claims of the army on the Government of the United States, it is worthy of remark, that the nature of the country, as well as of the enemy to be encountered, subjected the army to many extreme hardships, and equal dangers, where everything was hazarded, and but little could be gained, except the regard of their country.

The volunteers and militia (to whose claims the memorials referred to the committee particularly relate) were in actual service but a short time, for which alone they are entitled to pay by law; the compensation, therefore, to which they are entitled, is not at all commensurate to the services rendered, and the dangers incurred. Besides, many of the officers and men who fell, or were wounded, in the battle of the 7th November, 1811, were purchasers of the public lands, for which they were indebted to the United States; which debt falls due in a short time, and the penalty of forfeiture will be incurred if the debt is not paid. It would be unjust to inflict a penalty so severe on the disconsolate widows and orphans of those officers and soldiers of the volunteers and militia, who, in common with their brother officers and soldiers of the regular troops, fell in their country's cause, in a manner so distinguished, that nothing was wanting but a great occasion, interesting to the feelings of the American people, to have crowned their names with unfading laurels.

As an evidence, therefore, of the regard due to the bravery and ability displayed by the troops under the command of Governor Harrison, in the battle of the 7th November, 1811, as well as to relieve the representatives of those who were killed in the action, from the pecuniary losses incurred in consequence thereof, the committee respectfully submit the following resolutions:

1. *Resolved*, That one month's pay ought to be allowed, in addition to the common allowance, to the officers, (according to the rank which they held,) the non-commissioned officers and privates of the regulars, volunteers, and militia, and to the legal representatives of those who were killed or have since died of their wounds, composing the army under the command of Gov. Harrison, in the late campaign on the Wabash.
2. *Resolved*, That five years' half-pay ought to be allowed to the legal representatives of the officers, (according to the rank which they held,) the non-commissioned officers, and privates, of the volunteers and militia who were killed in the battle of the 7th November, 1811, or who have since died of their wounds.
3. *Resolved*, That provision ought to be made by law to place on the pension list the officers, (according to the rank which they held,) the non-commissioned officers, and soldiers, of the volunteers and militia who served in the late campaign on the Wabash, under the command of Governor Harrison, and who have been wounded or disabled in the said campaign.
4. *Resolved*, That provision ought to be made by law to pay for the horses and other property of individuals lost in, or in consequence of, the said battle.
5. *Resolved*, That the further time of ----- years ought to be allowed to the officers and soldiers who

were wounded, and to the legal representatives of those who were killed, in the said battle, to complete the payments due or which may fall due to the United States on any purchases of the public lands made by them before the said battle.

ADDITIONAL MILITARY FORCE.

A message was received from the Senate informing the House that the Senate had agreed to all their amendments to the bill to raise an additional military force, except the proviso in the first section, and the three additional sections, to which they disagreed.

The proviso disagreed to, is in the following words:

"*Provided, however*, That commissioned officers for six only of the said regiments shall be appointed, until three-fourths of the privates requisite to complete such six regiments have been enlisted, when the commissioned officers for the remaining seven regiments shall be appointed."

The following are the three sections disagreed to:

"That the officers, who may be appointed in virtue of this act, shall respectively continue in commission during such term only as the President shall judge requisite for the public service; and that it shall be lawful for the President to discharge the whole or any part of the troops, which may be raised under the authority of this act, whenever he shall judge the measure consistent with the public welfare.

"That no general, field or staff officer, who may be appointed by virtue of this act, shall be entitled to receive any pay or emoluments until he shall be called into actual service, nor for any longer time than he shall continue therein.

"That in the recess of the Senate, the President of the United States is hereby authorized, to appoint all or any of the officers, other than the general officers proper to be appointed under this act, which appointment shall be submitted to the Senate at their next session, for their advice and consent."

THURSDAY, January 9.

The petition which the Speaker laid before the House yesterday, from the Ursuline nuns at New Orleans, was enclosed to him and recommended by Governor Claiborne. It prayed for an exchange of the military hospital for some lots which they hold in that city better calculated for a hospital. After the petition was read,

Mr. DAWSON observed that he had received a letter from Governor Claiborne relative to that petition, and in confirmation of the facts therein stated. This community of nuns is a most respectable and useful member of society, the whole of their temporal cares being directed to the education of female youth. They are that community which some years ago presented a most elegant address to the then President of the United States, and received from him an equally elegant answer.

I am well assured that the lots which they wish to exchange are more valuable, and better suited for the erection of a hospital than those on which the hospital now stands. I, therefore, move that the petition and accompanying papers be referred

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to a select committee, who will, no doubt, converse with the Secretary of War on the subject.

This was agreed to, and Mr. DAWSON, Mr. LOWNDES, and Mr. MACON, were appointed the committee.

Mr. POINDEXTER presented to the House the petition from the Mayor and other citizens of Natchez, on the subject of erecting a hospital for the reception of sick boatmen employed on the Mississippi, to which he referred yesterday. This petition, with that presented yesterday by Mr. MITCHELL, was referred.

The SPEAKER laid before the House a communication from the Secretary of the Treasury enclosing a report of the Commissioners of the Eastern District of Orleans and Louisiana, of rejected claims.—Referred to the Committee on Public Lands.

ADDITIONAL MILITARY FORCE.

Mr. PORTER called for the consideration of the bill for raising an additional military force, which motion being agreed to, the amendments disagreed to by the Senate were read, when

Mr. PORTER moved that the House recede from these amendments. He made this motion from no change of sentiment, but from a desire to prevent further delay. He had always been of opinion that, if we went to war, the first operations of the war would be carried on by the volunteer corps and the troops already in force, because the volunteers will not only be much soonest ready to take the field, but they will be already armed and disciplined, whereas the new troops would be drawn from different parts of the Union, and probably be entirely unacquainted with military discipline. It was under this impression that the Committee of Foreign Relations, when the bill from the Senate was referred to them, recommended an amendment reducing the twenty-five thousand men (the number in the bill which came from the Senate) to fifteen thousand. They supposed that this number, with those which had been authorized for filling up the present establishment, would be sufficient, and as large a number as would be at present raised. But when this amendment was proposed to the House, it was met with a gust of zeal and passion. [The SPEAKER said those were improper terms to be applied to the House.] Mr. P. meant not to reflect upon the House. The zeal with which this proposition was met, evinced a laudable wish to raise a sufficient force to protect the rights and interests of our country. Nor did he feel inclined to oppose what appeared to be almost an unanimous wish of this House and of the Senate. He thought it of more importance to act promptly, than to dispute whether there should be ten thousand, more or less, men; and, therefore, gave in to the will of the majority. When the amendments for limiting the appointment of officers, now disagreed to by the Senate, were introduced, he voted for them, because they brought the bill nearer to his views; but, as these amendments had been rejected by the Senate, he was willing to recede from them.

Mr. SMITH did not wish to occupy the time of the House by any observations. He was opposed to the motion for receding, and called for the yeas and nays upon it.

Mr. JOHNSON thought he had already carried the spirit of accommodation far enough in voting for raising a greater number of men than he thought necessary at present. He would be one of the last men in the House to bring into question the rights of the Senate, or to excite feelings of warmth between the two Houses; both had the same country to serve, and doubtless had the same objects in view. He regretted that the passage of this bill should be procrastinated; and if there was a majority in favor of receding from the amendments, his remarks should defer the question but for a few moments. He would advert to the course which this subject had taken, in order to justify those who are in favor of raising a smaller number of men than is contemplated by the bill. It was not only the opinion of the Committee of Foreign Relations, but of every department of the Government, that ten thousand regular troops, in addition to filling up the present Military Establishment, and the contemplated volunteer corps, would be sufficient for the first moments of the war. After the first blow was struck, it was believed there would be no difficulty in raising a regular force to any extent that might be wanted. Those, however, in favor of ten thousand, out of a spirit of accommodation, consented to the raising of fifteen thousand, and afterwards, with the restrictions in relation to the appointment of officers, to twenty-five thousand men.

Mr. J. said it would be impossible to get along with this business if members did not act with an accommodating spirit. Respect ought to be paid to the opinions of men who have had an experience of ten, fifteen, or twenty years in the Government. If, in a cause like the present, no member would vote for raising any but the precise number he had in his own mind fixed upon, the House would be able to pass no bill upon the subject. Whilst this House was engaged in discussing the resolution for raising an additional military force, a bill on the subject was received from the Senate. The House immediately laid aside their own proposition, and took up the bill. The Senate cannot but see that the House gave way to their wishes on the subject; but they ought to consider that this House stands upon the same ground with them, and that respect is due to their decisions. He had no doubt that many were induced to vote for this bill from the amendments to which the Senate have disagreed. When appropriations for this army are wanted, this House will have to originate a bill for the purpose; and shall have to account to the people for the economical expenditure of the public money in the prosecution of this war. Before he would lose the bill, he would, to be sure, recede from these amendments; but he hoped the House would, in the first instance, adhere to their amendments, which would bring on a conference between the two Houses that might either induce

the Senate to accept of the amendments, or to give such reasons for the rejecting them as might induce this House more willingly to recede from them.

Mr. WRIGHT was in favor of receding from the amendments, rather than that the passage of the bill should be delayed. He believed, though the Government would incur a greater expense, by the course proposed, the men would sooner be raised; as every officer who entered the service would find it his duty to promote the enlistment of the men; and as the object was of magnitude, we ought not to regard the expense.

Mr. LITTLE wished to make a few observations on this question. The subject of difference between the two Houses was a mere matter of expense. If we recede from these amendments, all the officers for the thirteen regiments will have to be at once appointed. The advantages of this course ought to be compared with the expense, in order to see which will preponderate. In his opinion, the filling up of the ranks would depend very much on the character of the officers appointed. If we are immediately to go to war, he thought the advantages to be derived from an early appointment of the officers would be of more consequence than the expense. Much had been said about the opinion of the Executive as to the number of men necessary to be raised; he thought this branch of the Government as well able to judge of the proper force to be raised as the Executive, being acquainted with the different parts of the country, and the most vulnerable parts of it. He was in favor of receding from the amendments.

Mr. MAXWELL was in favor of raising an additional force; but could not agree to abandon these amendments. When this subject was first agitated, it appeared that the Executive was in favor of raising ten thousand men only. He was, therefore, in favor of the number reported by the Committee on Foreign Relations; finding there was a great variety of opinion, however, he consented to vote for fifteen thousand men, by way of accommodation. The Senate outstripped this House in their movements in this business, and sent down a bill proposing to raise twenty-five thousand men. He was opposed to this number, on account of its being so much larger than had been asked for by the Executive, and he believed this was the opinion of many others; however, when the proposition made by the Speaker for limiting the number of officers to be appointed, was agreed to, he voted for the bill, as he conceived many others had done so, that the bill might pass by as large a majority as possible. What has been the conduct of the Senate on this occasion? Have they acted in anything like a spirit of conciliation? They say, pass the bill in the shape in which we send it to you, or not at all. He, for one, would not agree to pass it in this way. He made as great a sacrifice of opinion as he was willing to do. There is a point beyond which, he trusted, this House could not be driven. He had no desire to see an army of officers, without soldiers to command, which would be the

case, if these amendments were struck out of the bill.

Mr. BIBB said, if in the commencement of a war with England, we are to be regardless of expense, the war will terminate, either before its commencement, or soon after. Whether a disposition to produce such an effect had given rise to this difference between the two Houses, was not his province to determine; but in the very act of making war against England for aggressions, he was unwilling to submit to the usurpations of any other body. He found, by the Constitution, that all money bills must originate with the House of Representatives; yet the Senate has passed a bill incurring an expense of eight, nine, or ten millions of dollars, which we have amended; but which they send back to us, saying: "We will expend ten millions, or nothing." Was not this reversing the order of things? It certainly belongs to this House, to provide the ways and means, and to judge of the ability of the nation to raise them. He hoped, therefore, the House would not recede.

Mr. GRUNDY said, if he had been opposed to the bill from the Senate, he should be in favor of receding from these amendments. Though it is the business of this House to originate money-bills, the gentleman from Georgia had carried his ideas on this subject too far. We, as the immediate Representatives of the people, are supposed to be the best judges of what is proper in this respect; but it does not follow, that the other branch of the Legislature shall not originate any bill which may call for money from the Treasury. They have this right, and we have the right to act upon such bills, when they come before us, as we think proper.

Let us examine, said Mr. G., whether the Senate have not acted properly in rejecting these amendments, and whether true economy will not be consulted by agreeing to the present motion. We had determined that less than one-half the officers should be appointed at present, and afterwards, when a certain portion of the men shall be raised, the balance. If we shall be engaged in war, is it believed that twenty-five thousand men will be too many? Certainly not. Would it not, then, be consulting economy and despatch to raise a sufficiency of men at once? For, if you send a force to Canada, you must leave a part of your men to guard your posts at home. The force ought to be fully sufficient; if it were not, defeat might be the consequence.

This bill, said Mr. G., came from the Senate; we have amended it; they disagree to our amendments, and ask us to recede. And if we do not, a verbal war is to be carried on between the two Houses. Rather than this should take place, he would be for now yielding a little on the score of numbers, and insure the passage of the bill, which might otherwise be endangered. Besides, this disagreement between the two Houses would exhibit us in an unfavorable light, not only to our own constituents, but to foreign countries. Great Britain would be ready to say, "Republican America can never go to war. Their Congress would

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'rather hold a verbal conflict among themselves than engage in war with any nation whatever.'

Mr. SMILIE hoped the House would not recede from their amendments. The gentleman from Maryland (Mr. WRIGHT) had said the object is great, and we ought not to talk about expense. He knew as well as that gentleman that war could not be carried on without expense. This is not the question. The question is, whether we will submit to an unnecessary expense? The gentleman from Tennessee (Mr. GRUNDY) has told us we ought to agree with the Senate, lest we hazard the loss of the bill. If this should be the case, on whom will the responsibility rest? Where it ought to rest. Have we not shown every disposition to accommodate the Senate, at the same time that we endeavored to guard against unnecessary expense? How will the bill stand if the amendments be stricken out? It will be an excellent bill for officers, but not for men. There will be an army of officers without men. Would it injure the service if these amendments remain? He thought not. He had doubts whether the twelve hundred men for six regiments would be raised for twelve months from this time; and all this time the nation would be saddled with the expense of the officers for all the thirteen regiments. If this were economy, he did not understand it. It will be remembered, said Mr. S., that all power rests with the people. Their opinion supports those in power; and when that changes, they will choose those whose opinions correspond with their own.

Mr. S. said when he looked forward to the day when we should have to call upon the people for taxes to support this expense, or, at least, to pay the interest of it—for he hoped it was not intended to borrow money to pay the interest as well as principal—he expected great murmuring. For we must have internal taxes; no one thought of any other source. All goes on very smoothly at present; but the trying time will be when the supplies come to be raised. He was willing to enter into this war; but he was unwilling to expend one shilling unnecessarily.

Mr. TROUP was in favor of receding, because, in doing so, he believed the raising of the troops would be expedited; for, if two hundred officers could raise ten thousand men in a given time, four hundred officers could raise twenty thousand in the same time. He could not help replying to a remark of the gentleman from Pennsylvania, (Mr. SMILIE) that gentlemen were all for economy. Mr. T. was not for a war of economy, but a war of vigor. All wars are necessarily expensive. The more feeble and protracted they are, the greater will be the expense; and the expense is less, in proportion, as they are short and vigorous. If we are not to have an energetic war, let us have no war. He believed the resources of this country are adequate to any war. Compare the situation of the country with what it was in 1775. Our population now consists of seven millions of active, enterprising individuals, carrying on a commerce second only to one nation in the world; then, our population was only three mil-

lions, with a feeble colonial commerce, and the people miserably poor in everything but a spirit of liberty. What did they do? If gentlemen will recur to the Journals of that day, they will discover that, when Congress had a formidable army ready to march, they had not a dollar of revenue, and the people were too indigent to raise money. Congress had to issue bills of credit to the amount of two millions of dollars. If it be thought we cannot raise the necessary supplies, we had better do at once, what, perhaps, we shall find it necessary to do, if we refuse to recede from these amendments—*submit*.

Mr. WIDGERY said, had not these amendments been made to the bill, the minority on its passage would have been much larger than it was. Until gentlemen shall come forward and offer some good reason for agreeing to the present motion, he should be opposed to it, believing this House to be as good judges of what was right as the other. Indeed, if there be safety in a multitude of counsellors, we have the advantage. He did not believe the loss of the bill would be hazarded by refusing to recede; it would bring on a conference. He was willing to go as far as was necessary in raising troops, but he wished to avoid all unnecessary expense.

Mr. ROBERTS said the question had now resolved itself into the shape in which he wished to have had it before, when the bill was under discussion. The vote will now be whether we will agree to raise an army of twenty-five thousand men, and all the officers, complete; at a time, too, when nothing has been done towards arming the militia or raising volunteers, and when, from the present situation of things, not much is to be expected on those subjects. The measures which have been taken for putting ourselves in a state for meeting a war, arose from the Message of the President at the commencement of the session. The Committee of Foreign Relations, who had this subject under consideration, recommended the filling up of the present Military Establishment, raising an additional military force, the acceptance of volunteer corps, and arming and disciplining the militia. The Senate reported a bill, and matured it, for raising an additional military force, but he had not heard that they had taken any step respecting the militia or volunteers. We first agree to raise what appeared to him the most objectionable force—which, he feared, would prevent due attention being paid to the volunteers and militia. He, therefore, thought it would be improper, in this stage of the business, for the House to recede. The Senate, it would be recollected, is a part of the Executive branch of the Government, and the difference now between the two Houses is, whether all the officers shall be at once appointed. Perhaps they felt a desire on this subject, arising from their Executive duty. He should wish to be satisfied on this point by a conference before he agreed to recede.

Mr. CALHOUN said that the House had already decided that twenty-five thousand men were necessary. The only question at present is a ques-

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tion of expense. Can any gentleman say what the difference of expense will be? He believed it would be very inconsiderable. The question of peace or war must be decided in three or four months, and several weeks would pass before the appointments could be made. Congress would spend more in deliberating on this subject than the difference of expense would amount to. In case the whole of the officers be appointed, the recruiting service will go on much better than it would otherwise do. If, said Mr. C., we be serious on the question of war, we ought not to stickle about an expense of twenty or thirty thousand dollars. If a temper of this kind is to prevail in the House, it will show that we are not fit to manage the affairs of the nation. He knew the expenses of war were considerable, and they will be so, at all events; but a war carried on with vigor would be less so than one carried on in a feeble, ineffective way. If gentlemen were alarmed at a measure of this kind at the commencement of our preparations, we had better proceed no further.

Mr. RANDOLPH said he would make a motion which would supersede the one before the House. It was, that the further consideration of the subject should be indefinitely postponed.

Mr. RANDOLPH made this motion, not from a wish to impede the progress of the public business, but from a sense of that duty, from a performance of which he trusted he should never be found to shrink. He made the motion, because he held a standing army to be, in itself, uncongenial with a Republican Government; because he held this Government, as at present constituted, to be incapable, under existing circumstances, of carrying on, to any practical national effect, foreign offensive war. He made the motion, also, because the course pursued by the two Houses of Congress, is a course not required by the circumstances of the country, nor by that branch of the Government which must be intrusted ultimately with the employment of the force proposed to be raised. It appeared to him, that, of late years, novelties the most strange and unaccountable had daily grown up in the two Houses of Congress.

In the first place, we undertake, by law, to enter into stipulation with a foreign Power, not binding upon that Power, but binding only upon ourselves. To do, by law, that to which the Executive power alone is competent, and that which could be carried into effect by the treaty-making power only. Now we are undertaking to say, that the Executive Government of the United States is either ignorant of the true interests of the country, or incapable of carrying on the business of the nation, or unwilling to do that which the public interest demands. This is the subject of your bill.

After you have raised these twenty-five thousand men—if he might reason on an impossibility; for it had, he thought, been demonstrated that these men could not be raised, it would be an army on paper only—shall we form a committee of this House, in quality of a Committee of Public Safety, or shall we depute the power to

the Speaker (he should not wish it in safer hands) to carry on the war? Shall we declare, that the Executive not being capable of discerning the public interest, or not having spirit to pursue it, we have appointed a committee to take the President and Cabinet into custody? Gentlemen talk of marching and countermarching these troops, as if they would have any control over them; though they will have none, except, indeed, that they might withhold the supplies for their support, and by this means, oblige the Executive to disband them; but as to how, or where, or when they shall be employed, this House has no control whatever.

It was far from his expectation, when he came to the House this morning, that he should have said anything on this bill. He did not know or expect that it would be taken up. But he did consider a standing army to be in itself not merely uncongenial, but deadly, to the spirit of a free Government; and he believed that the first man of an adventurous, unprincipled character, who got into the chair of our Government, with even half the number of men now proposed to be raised, at his back, will make the experiment in which Catiline failed, but in which Cæsar, Cromwell, and Bonaparte succeeded. And shall we be told that there is no danger of a man of this description getting into the chair of Government? Is it necessary to carry your recollection to the past? Is it necessary to state that a man, of the very description which had been mentioned, had been within one vote of becoming President of the United States?

A standing army is the life and soul of a military despot. Will any man deny it? Can despotism exist without it? Is it not the pabulum on which it lives, and moves, and has its being? It has ever been dangerous to limited monarchies—he spoke of hereditary monarchies. Look for the fact, said he, in all the authorities—the good, old doctrines of the Whigs, before power had corrupted them and they had apostatized from their principles. And if a standing army be dangerous to liberty in an hereditary monarchy, where the first seat in society is guarded by ancient prejudices, by moral restraints, and physical force; if in a form of Government like this, where the Chair of State is filled by a King Log, a standing army be dangerous to liberty, what must it be in a Government like ours? In a Government like that of England, it is almost impossible for an usurper to get at the throne. How is he to get there? He dare not even imagine the King's death. But here, such a character has only to wait four years, to be inducted, in form, to your chair; the door is always open to him.

We hear much, said Mr. R. about the conduct of the Congress of '75. In '75 the soil of this country was polluted by the tread of our enemy; and if an event of the same kind were to take place now, let the Congress of 1812 give only the signal, and there would be no difficulty in raising one hundred thousand men, more than we could victual, and clothe, and arm. But the circumstances under which this army is proposed are very different.

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The gentleman from Pennsylvania (Mr. SMITH) has told the House that this army is to be provided for by internal taxes. He had been expecting this. The moment this bill becomes a law, you will hear the flap of the ominous wings of the Treasury pouncing upon your table, with projects of land tax, excise, hearth tax, window tax. Excise not merely on whiskey—that great necessary of life, but upon leather, candles, &c., &c., in all the forms of oppression and extortion, so that the habitation of a man will no longer be his castle. For this reason he wished the consideration of this bill postponed, that the gentleman from Massachusetts (Mr. BACON, the chairman of the Committee of Ways and Means) might lay before the House his budget for meeting the expenses of the war; so that the House may not, in the first instance, be entrapped by agreeing to raise an army, and then be told, they have nothing left to do, but to provide a system of internal taxation. And for what expense are you to provide? The principal? No; the bare interest of the principal only.

We are to have a vast army—double the amount of that proposed to be raised in '98—internal taxes, eight per cent. loans, and no Federalism. I pray you, said Mr. R., of what sort of things is this Federalism compounded? What are its elements? You have your choice of two alternatives. Gentlemen must either stop on the good old Virginia ground, or they must scout it, and go into Federalism, and adopt Federal doctrine to its full extent. They must take one or the other; and if they be prepared for this system of internal taxation—this system of patronage—this vast Army and Navy, and the point of honor—he spoke of honor as between nations—it is hardly worth while to keep up the old distinction.

With regard to loans. He should be sorry on the general subject of finance, or perhaps on any other, to pretend to an equal degree of information with the very extraordinary man at the head of our Treasury Department. He never had any doubt of his ingenuity. He believed that what could be done, he would effect. He would venture to affirm, however, for though his sources of information were not equal to those of the Secretary, he had no doubt of their correctness, that he cannot borrow money to the extent of our wants. It is not to be had abroad we all know; and it is not to be had at home. It is very easy for a man, or a nation, in full credit, who pays punctually, to borrow either small or large sums; but announce to the world that you have no resort, but to borrow, and you will soon find the barometer of your credit fall.

What is the proposition, Mr. R. asked, which the Committee of Commerce and Manufactures has brought forward for importing from Great Britain and her possessions, articles ordered, or said to be ordered, previous to the 2d of February last? It is said, to enable us to comply with our treaty with the Indians, in furnishing them with the customary articles. But it is, in fact, to get blankets and woollens for our soldiery and revenue into our Treasury. It is to get a supply of arti-

cles, which we confess we have not, and to receive the duties on impost and tonnage. How does this square? Look at your revenue before you undertook to interfere with commerce, and look at it now, and you will find that nearly one half of your revenue is destroyed by your own act.

Mr. R. said he had listened with attention, whenever his health would permit, to the arguments of gentlemen in favor of this bill. He had heard nothing of any weight until his worthy friend from South Carolina (Mr. WILLIAMS) spoke the other day. Nothing which had not been repeated at least one hundred times before, and much better said; and there was such a similarity between the debates of this time and on a former occasion, that the whole appeared like an old story. As a friend and old fellow-laborer in political opinion, he was highly gratified by the speech of the gentleman from South Carolina; but, except on the subject of the Orders in Council, he did not recollect that he had said anything either new or convincing. After the fascination of his animated manner had passed off, he had searched his mind for anything else in vain. He listened to have heard a word on the subject of the French decrees, either governmental or municipal, or on the stipulations of the present Emperor of France towards the United States. He listened also for something on the subject of the letter of the Duke de Cadore to our Minister; but he listened in vain. He heard nothing but the old story that the West Indies would no longer be worth cultivating, and that the manufacturers of Birmingham and Manchester would compel the British Ministry to yield to our demands. This had been the standing order of the day for six years past.

The gentleman from South Carolina called the attention of the House to a commerce, which we need never again look for. As we have undertaken to force manufactures here, so has the Emperor of France undertaken to force them; and as we have refused to supply England with raw materials, she has sought for supplies in other quarters. He looked upon our export of cotton to be as dead as that of indigo. We shall have no market for it hereafter, but to supply our own consumption; except they will take it from us in China, which can scarcely be expected.

The gentleman from South Carolina says, that it takes all the profits of our trade with other countries, to pay the annual balance due to England. To men of practical minds, what does this fact prove? It proves that this balance was essential to our interest. It proves that we all know, that a capital is necessary to a man who is devoid of one; and England, being the first commercial nation in the world, furnishes us with a capital which we want, as Holland, in former times, used to furnish capital for the other nations of Europe. It is as plain as any proposition in mathematics, that where two nations trade together, the one rich and the other poor, the one yielding raw materials, and the other manufactures in a finished state, that the trade of superior wealth and refinement is necessary to the nation

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of inferior wealth. Do you want an illustration? Which is most necessary in America—blankets and rifles or furs? Suppose the savage on our Northwestern frontier would not let us have their furs, they would not get our blankets and rifles.

Do not gentlemen see the avidity, notwithstanding all the difficulties attending the trade, and the consequent high prices, with which British manufactures are purchased here? The gentleman from South Carolina has founded a strong argument, in the reduced price of this cotton, for resisting the Orders in Council. But the low price of his cotton is no proof of the depreciation of British manufactures.

But we are to go to war to conquer the liberty of the sea—France having tried this in vain. France, with an army of a million of men, with Bonaparte, Massena, and other famous generals at their head, having failed in this enterprise, some of our famous colonels are determined to succeed. This appears farcical.

But as to the principle of the Orders in Council, take France out of the way, and he believed there would be no hesitation in resisting them. The question has been, shall we resist the minor, and put up with the major injury? But, situated as we are, he would resist the Orders in Council. But he saw no connexion between an army of twenty-five or fifty thousand men, and a repeal of the Orders in Council.

Suppose the Chinese had as great a maritime force in their seas as the British have in the Atlantic ocean, and China was at war with Japan, and had passed similar orders with the British. We have no trade to Japan; she has some decree, either governmental or municipal, to prevent our going there; would his friend from South Carolina, whose heroic spirit and manly mind he admired, undertake to compel the Chinese, with a population of three hundred and fifty millions of subjects and a large fleet of ships-of-the-line, by passing a law to raise twenty-five thousand men, to repeal her restrictive orders against our commerce? This would be outquixoting Quixote himself; and outheroing all our former Herodings. With a law for raising twenty-five thousand men, whom you cannot raise, you are to set out on an expedition to conquer the liberty of the sea; and where? He did not know whether he understood his friend from South Carolina; but he seemed to have some project in his mind—the torpedoes having failed, he supposed he had gotten some other new invented machinery to be put in motion by the Falls of Niagara; but what it was he understood not.

There is one view of the subject, which he must be permitted to take. No wise man would undertake any important measure until he first calculated the manner of effecting his object, and considered the situation in which he would be placed after his purpose was attained. Mr. R. would overlook every other consideration. He would indulge gentlemen in their most romantic notions of success. He would consider the American standard as hoisted on the walls of Quebec, and even at Nova Scotia and New Brunswick.

What have you got, at an immense expense of blood and treasure? a national curse!

You will, to be sure, have done a favor to Canada. You will have purchased, at a dear rate, her independence. This is very benevolent and philanthropic—and might be a very proper consideration for a quaker meeting or philanthropic society, but not for this body. But after Canada shall be conquered, commerce could not be forced into that inhospitable climate; and yet we are to bring upon ourselves land taxes, excise, and internal taxes of every description, to obtain it.

Are there no limits, asked Mr. R., to the territory over which Republican government may be extended? Is it, like space, indefinite in its extent? He believed that whenever the valley of the Mississippi came to be filled up, we should find our mistake on this subject.

You are laying the foundation for a secession from the Union—on the north, by the possession of Canada, and on the borders of the Ohio, for another division. The Ohio has been made the line between the slaveholding States and those which hold no slaves. He need not call the attention of the House to this distinction, nor to the jealousies and animosities growing out of the subject.

Mr. R. said, if he thought these twenty-five thousand men could effect their object; if they could be raised; if, being raised, they would not be more dangerous than the Orders in Council or French decrees, he might have been disposed to favor the passage of this bill.

But why should gentlemen wish to raise a larger force than the Executive wants—than he is disposed to use? For, with all his jealousies of Executive power, when we go to war, we must do one of the two things: We must either give the President such a military and naval force, and let him use it; or, if he decline using it, remove him and put some man in his place who will use it. There is no other alternative. Will any one suggest any other?

You have an agent to execute certain business, he asks from you a certain amount for effecting the business on hand, you give him double—you force it upon him—you compel him to waste it. Would not this be deemed extraordinary conduct in an individual? If we place confidence in the Executive, we ought to act up to his views, and not adopt measures to force him beyond the point to which he is willing to go.

Mr. R. felt an utter incapacity to do a proper degree of justice to his sentiments on this subject; but he could not suffer the bill to pass without making one more attempt to put it in the power of the House to retrace their steps from this ill-advised measure.

We are going to war—going to raise twenty-five thousand men—going to sweep away His Majesty's Government from the British Provinces. He sometimes was ready to persuade himself that he must be laboring under a mental derangement—that the thing could not be. What raise twenty-five thousand men for this purpose; when it takes you from the 5th of November to

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the 10th of January, to get a bill, which comes to your hands ready cut and dried from the Senate, passed into a law; when you have yet to pass your volunteer bill, your navy bill, and above all, your appropriation bill. Why, Captain Cook would have sailed around the world before you can get through this; and yet you talk about carrying on offensive war, while everything shows you incapable of carrying on such a war.

But, by the aid of war speeches and the previous question you may get your war measures passed. But the previous question will not replenish an empty Treasury, nor supply the places of your killed and wounded men, nor carry on your war. No; you would have to take the measures of your predecessors, and infuse a little more energy into the Government.

Mr. R. was afraid we should not be inclined to copy after the not unwise example of our predecessors of the Republics of ancient times—of the ancient world—to attend to the auspices under which we are acting—to the signs of the times. Is it possible that this most imprudent measure, this first actual war in which we have been engaged since we achieved our independence, should be entered upon under present circumstances—when eclipses, comets, earthquakes and the most desolating visitations of God are taking place? Can these be the harbingers of any good? But if it had pleased Him, in whose hands are all things, to harden the heart of Pharaoh, that the Children of Israel may suffer—he supposed they must suffer without complaining.

He should like to be told by his worthy friend from South Carolina, what purpose he finally and eventually proposes to accomplish by the war on which we are about to enter. Let us, said he, come down to the level of old-fashioned common sense—tell us, if we must endure all the evils of war, what we have to expect in return.

He knew he had detained the House to little purpose; but he wished to put it in the power of the gentlemen to revise and think better of a vote, on which, in his opinion, depended the ultimate happiness, security, and everything dear to this country. He knew how very easy it was to make war; nothing easier than to make either national or personal war. It was as easy to go to war as to get a wife; and many a poor blockhead had been strutting his hour, because he had, after vast exertion, married a shrew.

Mr. R. wished, if they could do no better, that Congress would adjourn, and suffer the members to go home and consult with the good old planters of the country on the subject of this war; and ask them if they are willing that their sons shall go to fight the Canadians, and whether, to support the expense, they be willing to submit to the payment of direct and indirect taxes, in order that we may get possession of the great mill-seat at Niagara?

If the two Houses were to adjourn only for six weeks, it would afford time for the present war fever to subside; and by that time the Hornet would have returned. He did not believe, indeed, at present, if a declaration of war was laid upon

the table that forty-five votes could be had in favor of it; and he had been surprised that no gentleman had brought this proposition before the House, instead of talking about paper restrictions—paper armies—paper money. It is true, the Constitution has prohibited paper; but what is the Constitution? It is a paper Constitution. It says nothing but gold and silver shall be a tender; that no appropriation shall be made for an army for a longer term than two years; but, in despite of our Constitution, appropriations have been applied to the Army more than two years after they were voted; but if this be inquired into, you will be told that it is a Treasury regulation, which is made to supersede the Constitution.

Mr. R. was the more anxious to hear the opinion of his friend from South Carolina as to the effect proposed to be obtained by these measures, because he believed him to be one of those pure, disinterested politicians, who sought nothing, and would receive nothing from the Government of his country—who came here, at an expense of his time and fortune, to discharge the trust so worthily placed in him by his constituents. Mr. R. was proud to say that he stood on the same ground—that he never occupied any other—on it he should forever stand as long as he remained in public life—and probably remain what is called an opposition man; because the moment the outs get in, they do the very things against which, whilst they were patriots, they loudly exclaimed. They realize the old fable of Æsop, "it was your bull that gored my ox."

Let, however, the Government come to any resolution, in which the rights and liberties of the country are involved, if he had no strong objection to the course proposed, it would receive no captious opposition from him. He should despise any capitious opposition; but when you come to raise standing armies, to treason bills, to bills for the suspension of the *habeas corpus*, to unlimited taxation, to the violation of the most sacred provisions of the Constitution, he should then put in his veto.

Whose bill is this, asked Mr. R., upon which we are now debating? Is it the bill of the wise, the sober, the discreet, the cautious, the thinking man, who now fills the Chair of State? No. Is it the bill of either of his two able coadjutors, men of clear minds, first in business, first in human affairs—solid, thinking, ingenious, wily, cunning—never at a loss—something like a cat, always on their feet? He knew this bill did not come from them. It is an anti-ministerial measure, and, therefore, though he was somewhat surprised at some of the support which it received, he was not surprised at the countenance it had from others. Whose system, then, is it? It came from the other House. Upon what is it bottomed? Upon any regular report? Not, he believed, upon even a resolution. We have no information upon what object the force is to be employed, or who is to command it—and that is of some importance. He should like to see the Commander-in-chief named in the bill, though it would be adopting a new mode.

This is a project, said Mr. R., which, a few years hence, no man will father—no one will acknowledge it to be his project. It will be said the bill originated in the Senate—that there was a great alarm in the country; that the Senate being a branch of the Executive, were supposed to possess the most correct information—that the whole party was for it—that he (the member who gives this account) was rather against it, but that he had given way to the general opinion; and where will then be the man who brought forward this bill? Gone to the vault of all the Capulets.

He had frequently heard of thoughtless individuals being drawn into scrapes; but he never before heard of a nation, a sober-minded nation, being drawn into a war, not only against its own consent, but against the best judgment of those intrusted with the Government. He repeated that it was an anti-ministerial measure, which will be attended with no trifling consequence.

Mr. R. said he was a member of the Committee on Foreign Relations. This House is independent of the Executive branch of the Government; yet in every question connected with war, as that department is best acquainted with the subject, and the resources of the country, and as it must eventually be intrusted with the execution of war measures, there was but one course, after the committee met, which common sense prescribed, and that was to apply to the Executive branch for information on this subject. It was on his motion, that the Secretary of War appeared before the committee, and gave them a plan of what the Executive deemed necessary to be done, and the committee reported accordingly.

And what has been the result? Without any further information from the Executive, we have changed our views on the subject, and taken up a bill from the other House, we know not from what source.

Mr. R. believed we had as good a Government as we should ever see. He spoke of the Executive branch. He asked no favors of them; all that he had to ask of our Ministry was, that they would keep their hands out of his pocket. But why this violent struggle against Executive wishes? If, under the operation of the proposed system of measures, the people murmur against their rulers, what must the Executive say? Of course, he will say, "I laid my plan before Congress, and told them what measures ought, in my opinion, to be pursued; but they turned a deaf ear to it. Somebody, or nobody, brought forward a bill entirely different from what I had recommended; but it was passed by a large majority of both Houses, and I did not choose to put my veto upon it."

What can be said under these circumstances? The Executive stands acquitted. Not a tittle of responsibility attaches to him on account of the measures we are taking. Where then does it lie? On the House of Representatives. Where are they? Gone to their respective homes; and, when they meet again, who are they? A different body of men.

Mr. R. said it was most astonishing to him,

that men in whose integrity he had the most unbounded confidence, in whose judgment he had the highest opinion, should suffer themselves to be carried away by clamor—not only against their own judgment and feelings, but against the will of the Executive branch of the Government. Pass this bill, said he, and we shall be disbanded long before the army we are about to raise, without being entitled either to half pay or a bounty in land.

Who, asked Mr. R., are the Governors of this country? Are not the people? Is not the people's money to support the expenses of this war? It is, then, a question for them to settle. He knew they must settle it through their Representatives. If the nation be not disposed to fight, it will not be war speeches, made here, that will goad them to battle. You can neither make the people go to war, nor keep them at war, unless they be convinced they have no other resource. When dissatisfied, they will speak a language which will be heard.

Mr. R. said he had the most profound respect for the intentions of gentlemen who differ in opinion from him on this question. God forbid that he should arrogate to himself to judge not only as to the correctness of measures, but as to intention. Have we a right to say that the intentions of the majority of those who supported the measures of '98, were corrupt? Certainly not; but we know the nation, when they had time to examine into those measures, withdrew from them their support. And who are the great Republicans, the majority of the present day? They are the same who opposed and condemned the doings of the Congress of '98.

There was so much to be said on this subject, that he had not touched upon; and so much to be well said, that he had said most lamely, that Mr. R. felt reluctant to take his chair. He would not, however, further weary the patience of the House. He hoped some other gentleman, better qualified, would take up the points he had omitted. He had spoken principally as to the views and designs of the Administration, as counteracted by the bill on the table; he would not say, or insinuate designedly; though he did not believe that the bill proceeded from the warmest friend of the Administration. He hoped time would be afforded further to consider the subject; that, if the present motion did not succeed, a motion to postpone to a day certain would be more successful.

The question on postponement was taken, without further debate, by yeas and nays as follows:

YEAS—Abijah Bigelow, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, jr., William Ely, Asa Fitch, Richard Jackson, jr., Philip B. Key, Lyman Law, Joseph Lewis, jr., Nathaniel Macon, Archibald McBryde, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, John Randolph, William Rodman, Daniel Sheffield, Richard Stanford, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, and Thomas Wilson—29.

NAYS—Willis Alston, jun., William Anderson, Ste-

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venson Archer, Ezekiel Bacon, David Bard, Josiah Bartlett, Burwell Bassett, William W. Bibb, William Blackledge, Harmanus Bleecker, Thos. Blount, Adam Boyd, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, John Clopton, Lewis Condit, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmore, Elias Earle, James Emott, William Findley, James Fisk, Meshack Franklin, Thos. Gholson, Thomas R. Gold, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, Wm. R. King, Abner Lacock, Joseph Lefever, Peter Little, Robert Le Roy Livingston, William Lowndes, Aaron Lyle, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, William Paulding, jr., Israel Pickens, William Piper, Benjamin Pond, Peter B. Porter, Josiah Quincy, William Reed, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, Silas Stow, William Strong, George Sullivan, Peleg Tallman, John Taliaferro, Uri Tracy, George M. Troup, Charles Turner, jun., Pierre Van Cortlandt, jun., David R. Williams, William Widgery, Richard Winn, and Robert Wright—98.

The question was then taken on receding from the amendment in the proviso to the first section of the bill, which limited the appointment of officers to six regiments, and was decided as follows:

YEAS—Willis Alston, jr., William Anderson, Stevenson Archer, Ezekiel Bacon, Josiah Bartlett, Burwell Bassett, Abijah Bigelow, William Blackledge, Elijah Brigham, John C. Calhoun, Langdon Cheves, Martin Chittenden, Matthew Clay, John Clopton, Lewis Condit, Samuel Dinsmore, William Ely, James Fisk, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Peter Little, Robert Le Roy Livingston, William Lowndes, William McCoy, Alexander McKim, Samuel L. Mitchell, Jonathan O. Moseley, Anthony New, Stephen Ormsby, William Paulding, jr., Timothy Pitkin, junior, Benjamin Pond, Peter B. Porter, Elisha R. Potter, William Reed, Samuel Ringgold, John Rhea, John Roane, Thomas Sammons, Lemuel Sawyer, John Sevier, Adam Seybert, Samuel Shaw, Silas Stow, Lewis B. Sturges, George Sullivan, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, George M. Troup, Charles Turner, jr., Pierre Van Cortlandt, jr., Laban Wheaton, Leonard White, Rich. Winn, and Robt. Wright—67.

NAYS—David Bard, William W. Bibb, Harmanus Bleecker, Thomas Blount, Adam Boyd, James Breckenridge, Robert Brown, William A. Burwell, William Butler, Epaphroditus Champion, James Cochran, William Crawford, John Davenport, jr., Roger Davis, John Dawson, Joseph Desha, Elias Earle, James Emott, William Findley, Asa Fitch, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard Jackson, jr., Richard M. Johnson, Philip B. Key, Lyman Law, Joseph Lewis, junior, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, Sam-

uel McKee, Arunah Metcalf, James Milnor, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newbold, Thomas Newton, Joseph Pearson, Israel Pickens, William Piper, Josiah Quincy, John Randolph, Jonathan Roberts, William Rodman, Ebenezer Sage, Ebenezer Seaver, Daniel Sheffey, John Smilie, George Smith, John Smith, Richard Stanford, Philip Stuart, William Strong, John Taliaferro, William Widgery, and Thomas Wilson—60.

The question was then taken on receding from the amendment which formed the twenty-fifth section of the bill, providing that the officers should continue in commission during such term only as the President shall judge requisite, and carried by about the same majority as the last.

The next question was, on receding from the twenty-sixth section of the bill, which provided that no general, field, or staff officer should receive pay until called into service. This question was lost, there being 49 votes for receding and 76 against it, as follows:

YEAS—Willis Alston, jr., William Anderson, Ezekiel Bacon, Josiah Bartlett, Burwell Bassett, Wm. W. Bibb, Harmanus Bleecker, Jno. C. Calhoun, Langdon Cheves, John Clopton, Lewis Condit, Samuel Dinsmore, James Fisk, Meshack Franklin, Thomas Gholson, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, John M. Hyneman, Joseph Kent, Abner Lacock, Joseph Lefever, Peter Little, Robert Le Roy Livingston, William Lowndes, Alexander McKim, Samuel L. Mitchell, Anthony New, Stephen Ormsby, William Paulding, jr., Benjamin Pond, Peter B. Porter, Samuel Ringgold, John Rhea, John Roane, Thomas Sammons, Lemuel Sawyer, John Sevier, Adam Seybert, Samuel Shaw, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, George M. Troup, Charles Turner, junior, Pierre Van Cortlandt, junior, and Leonard White—49.

NAYS—Stevenson Archer, David Bard, A. Bigelow, William Blackledge, Thomas Blount, Adam Boyd, Jas. Breckenridge, Elijah Brigham, Robert Brown, William A. Burwell, William Butler, Epaphroditus Champion, Martin Chittenden, Matthew Clay, James Cochran, William Crawford, Roger Davis, John Dawson, Joseph Desha, Elias Earle, William Ely, James Emott, William Findley, Asa Fitch, Thomas R. Gold, Aylett Hawes, Jacob Hufty, Richard Jackson, jr., Richard M. Johnson, Philip B. Key, William R. King, Lyman Law, Joseph Lewis, jr., Aaron Lyle, Nathaniel Macon, Geo. C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Arunah Metcalf, James Milnor, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Thomas Newton, Joseph Pearson, Israel Pickens, William Piper, Timothy Pitkin, jr., Josiah Quincy, John Randolph, William Reed, Jonathan Roberts, William Rodman, Ebenezer Sage, Ebenezer Seaver, Daniel Sheffey, John Smilie, George Smith, John Smith, Richard Stanford, Philip Stuart, Silas Stow, William Strong, Lewis B. Sturges, George Sullivan, Samuel Taggart, John Taliaferro, Laban Wheaton, William Widgery, Thomas Wilson, Richard Winn, and Robert Wright—76.

The last question was on receding from the twenty-seventh section, which gave power to the President to appoint officers in the recess of the Senate, which was carried 61 to 40.

Resolved, That this House do insist upon the third amendment disagreed to by the Senate

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Employment of the Army.

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FRIDAY, January 10.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill to incorporate the Trustees of the Washington College; which was read twice and committed to a Committee of the Whole on Monday next.

Mr. BLACKLEDGE, from the committee appointed on the subject, presented a bill to alter the times of holding the District Courts of the United States for the North Carolina District; which was read twice, and ordered to be engrossed and read the third time to-morrow.

On motion of Mr. MORROW, the Committee on the Public Lands were discharged from the consideration of the petition of the President and Trustees of the Natchez Hospital, referred yesterday; and the petition was referred to the Committee of Commerce and Manufactures.

On motion of Mr. BACON, the Committee of Ways and Means were discharged from the consideration of so much of the above-mentioned petition as was referred to them; and it was also referred to the Committee of Commerce and Manufactures.

A message from the Senate informed the House that the Senate recede from their disagreement to the amendment to the bill "to raise an additional military force," which has been insisted on by this House.

On motion of Mr. MILNOR, a committee was appointed to inquire and report whether any, and what, amendments are necessary to the act, entitled "An act to prescribe the mode in which the public acts, records, and judicial proceedings, in each State, shall be authenticated, so as to take effect in every other State;" the committee to have leave to report by bill, or otherwise.

Mr. MILNOR, Mr. CHEVES, and Mr. LAW, were appointed the committee.

EMPLOYMENT OF THE ARMY.

Mr. RANDOLPH rose, and said, that having been engaged in raising a large military force, he, for one, if the United States were to incur this expense, was disposed to give them employment, not probably, though, the identical employment of which the House had heard so much. It was the boast of the Roman legion and its commanders, that the Roman soldiery was as well versed in the use of the pickaxe and the spade as the sword; and so essential was it deemed by that wise and military people that the soldiery should not only be able to perform their military duty, but be useful as laborers, that their military levies were always made from the country, from men engaged in the employment of husbandry, in preference to the dissolute and profligate loungers of the town. He, for one, had been, for a long time, surprised, that the Government should be paying immense sums in all parts of the United States for labor, whilst the soldiery, which annually drew millions from our Treasury, are kept in a state of perfect idleness, leading to depravity and dissoluteness of manners. He believed that regular and wholesome labor would not only have a good effect in preserving the health of our soldiers, but it would

render the load of life which they are at present compelled to bear, less burdensome, and prevent them from having recourse to intoxication. If they were to be employed in digging the President's house or the War Office from under ground, it would not only give them an appetite for their regular meals, but some appetite for their existence.

At this moment it is contemplated by the Government to perform some works of great utility. We have already decided that if these men shall be raised, and the public service does not require them to be employed, the President shall not have the power of disbanding them; but before the bill can be carried into operation, a considerable time must elapse; and if there be no war, our large Peace Establishment will be entirely out of employ, except that they may shoulder their muskets on the south side of some range of buildings.

Believing, therefore, that the employment of these men, would not only be useful in forwarding works of public utility, but tend to their own comfort and happiness—if there can be such a thing as a happy mercenary slave—and in some measure, supply that loss of labor which is taken out of the market by their enlistment—he wished some measure to be adopted for this purpose. He also believed that if the officers had something like employment, by overlooking their men, and seeing that they performed their work properly, they would be thereby materially benefited; for he could conceive of nothing so injurious to the comfort of a man as leading the life of a drone without business. The greatest geniuses of the age, spending their time in this way, would become drones and dead weights on society. He, therefore, moved the following resolution:

"Resolved, That the President of the United States be authorized to employ the regular army of the United States, when not engaged in actual service, and when in his judgment the public interest will not thereby be injured, in the construction of roads, canals, or other works of public utility."

Mr. WRIGHT.—Mr. Speaker, I hope this House will not disgrace itself by permitting this resolution to lie on the table. It proposes to convert the Army of the United States into a body of laborers on the canals and public roads, and their officers into overseers of the roads and canals. It goes directly to convert the proceedings of this House, on the bill to raise 25,000 men, into a farce, and to present to the nation, (whose spirit is now alive to avenge the wrongs we have too long sustained,) a very different object to which that army may be applied than that for which it was intended. Sir, the President, who is the Commander-in-Chief of the Army, whose duties as such are confined to military objects, will thereby be converted into a supervisor general of roads and canals. It is not in the contemplation of the Constitution, that the President, as Commander-in-Chief of the Army, should have such labor imposed on him. You might, with equal propriety, impose on him the supervising and assisting the tillage of the cotton plantations by the Army. Sir, the President would not be bound by such a law. The Army, sir, may be correctly engaged on for-

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tifications, or such roads as are necessary for their own use; pioneers to proceed and prepare the way for the Army, as axemen, are in constant use. But, sir, would you degrade the Army by making them work on canals and "public roads," a punishment inflicted on felons in Maryland? I hope not, Mr. Speaker. That gentleman has been patiently heard while opposing the bill for 25,000 men; but, sir, after that bill has been passed by a great majority of the House, I submit to that gentleman, whether every friend to the great Republican principle, that "a majority shall govern," is not, as a citizen, bound to give efficacy to the measure, and his co-operation to carry it into effect. I therefore hope this House will see this subject as having the effect I have stated, and will not suffer the resolution to lie on the table, if the gentleman who has, in my judgment, thoughtlessly introduced it, will not withdraw it.

Mr. CALHOUN was not at all surprised to find gentlemen, who are opposed to putting the country into a war attitude, should endeavor, by every means in their power, to defeat the measures adopted. At a moment when we are calling upon the yeomanry of our country to step forward in defence of our rights, he thought such a motion very improper, and he hoped Congress would not treat it with so much respect as to suffer it to lie upon the table for a moment. The gentleman had frequently told the House he believed the Army was composed of the worst materials; and he now appears to wish to bring the service into disgrace. He hoped the proposition would be disposed of without much debate.

Mr. RANDOLPH never dreamed of the great sensibility which he appeared to have excited in the House by this motion. He had exchanged conversation with some of the best and wisest men in the community on this subject, who had agreed with him in the opinion as to the propriety of thus employing the Army; and nothing but the pressure of other business and the remoteness of our situation from any theatre of public works, had prevented him from bringing forward the proposition long ago.

Though he was a native of a country the chief part of the labor of which is performed by slaves, yet he had learned to-day, for the first time, that honest labor was disgraceful; that the honor of a soldier cannot survive it. He was sorry, if such were the case, to find there is, indeed, a much wider distinction between honor and honesty, than he had imagined. Men put on a livery—the livery of the King—are engaged in performing menial offices for their officers, who expose their naked backs to the merciless executioner, are deprived of free agency—but they are above honest labor! He wished we could avail ourselves, if it were only now and then, to look on the practices of other nations; that we would not believe that we are the most enlightened people in the world. Who were the constructors of the great military highways which pervaded every country when reduced to the form of a Roman province? That wise people never deemed any country subdued, until great military high roads

were made therein. And by whom were they constructed? They were constructed by the Roman legion. If, sir, you go down even to this navy yard, you will be astonished to hear, that the palace there erected cost only somewhere about a thousand dollars, the work of it being chiefly done by the marines.

But it seems that, in Maryland, it is a criminal punishment, and therefore disgraceful, to work on the roads, and on that account the Army of the United States must not be put to any such employment. In Virginia, the criminals in our Penitentiary are employed in making shoes, nails, clothes—so that, if the gentleman's argument be good, we ought to have no shoemaker, nailer, or tailor, enlisted into our army, lest, forsooth, he should contaminate the honor of the corps.

Shall I ask, in what manner the delay of public business is produced by laying on your table a resolution authorizing the President, not to take the Army from their military duty, but when they are not employed in the public service, and when, in his estimation, the public interest will not thereby be injured, to employ them in public works of utility? There was no relation between this resolution and the business which was before the House yesterday. For three years, this subject had been floating in his mind, and nothing was further from his expectation than that he was about to excite the feelings of any gentleman, much less that he was about to incur a charge of delaying the public business.

The gentleman from South Carolina, (Mr. CALHOUN) had stated, that it was not to be wondered at that gentlemen opposed to the preparations now making for war, should attempt to delay the public business. He did not wish to produce any delay in the measures which the House had determined upon. In extreme cases, he might be induced to steps of this kind; but, in a case like this, he should not do it.

He did not require to be informed by the gentleman from Maryland (Mr. WRIGHT) of the polite attention with which the House had favored him while he was discussing a subject of momentous concern to the nation. But, on whom is the delay of the public business fairly chargeable? He appealed to his worthy friend from Georgia, if it were not chargeable on his friends; for that gentleman had said, some days ago, "that he would wait with pleasure to hear anything which could be heard in opposition; but he was wearied out with the debate from the professed, and, he had no doubt, the real friends of the measures under discussion."

With the aid of the previous question, and a majority of sixty in favor of war measures, if there be any ability for public business, let us not hear of delay from laying a simple resolution on the table, and a debate proceeding, not from the party offering it, but from those who are not willing it should lie on the table: from which if it were taken, it would not be by his hand, except it were asked with more courtesy and urbanity than had been shown by the gentleman who suggested this course.

Mr. FISK did not know in what manner the gentleman wished to be applied to for a withdrawal of his proposition; but he thought it would be disgraceful to Congress that such a resolution should lie on their table. At a time when we are about to raise an army to defend our injured country, an attempt is made to turn the whole into ridicule, by a proposition to employ them in making roads and digging canals! Things which may be proper and reputable in one situation, may be improper and disreputable in another. Whether it was proper or decorous to call the Army of the United States mercenary slaves, he should leave the world to judge; but he could never give his vote one day for raising an army for the defence of the country, and the next, give countenance to a resolution which went to degrade that army.

Mr. STANFORD was not prepared to say whether it would be proper to agree to this proposition or not; but it certainly was no new thing. He asked gentlemen to recollect who cut the roads from the frontiers of Tennessee to Natchez; they were cut by the Army, under the direction of the late President. How were the troops employed at Terre au Bœuf? He understood they were engaged in ditching and other work. He stated these things to show that the subject is worthy of consideration.

Mr. TALLMADGE understood the resolution to contemplate employing the troops, when out of service, in working on roads and canals. He would suggest an amendment to the resolution, which would be, to employ the men in erecting fortifications also. He was creditly informed that Government had been in the habit of paying a dollar a day to laborers on fortifications, while our troops were idle. During his military life, he had been employed in all necessary labor; and, passing a resolution like the present, would show that this House expected that the labor for which large sums had heretofore been paid, should be done by the troops.

Mr. RANDOLPH accepted of this amendment.

Mr. WRIGHT said, this amendment was unnecessary, since every one acquainted with military business, knew that this was a part of the duty of an army.

The SPEAKER declared the amendment to be in order.

Mr. QUINCY said, that though the first impressions of his mind were hostile to this proposition, yet he could not believe it was a question, especially as modified by the amendment of the gentleman from Connecticut, which ought not to be permitted to lie on the table, and hereafter be considered. He regretted that the yeas and nays had been called for. He supposed that the resolution would, at least, have been suffered to lie on the table, without objection.

Mr. GRUNDY said, he voted in favor of considering the resolution, because, if we were to refuse to consider it to-day, the gentleman might renew it from day to day. He believed the time and circumstances under which this motion was brought forward, had produced the sensibility

which had been noticed. He did not wish to hold out to the world that this military force was raised with any other view than to go to war. Would it not be highly improper, at the moment we are raising men to defend our country, that we should be discussing a proposition for employing them in making roads and canals? Can the gentleman from Virginia be surprised that this motion should excite sensibility?

Why was not a resolution of this kind, if he thought it necessary, brought forward before we had a prospect of war? Would the gentleman have these men set to work with their pickaxes and spades, at a moment when the country is bleeding under the wounds which she has received from an implacable enemy? Under different circumstances, and under a different modification, he probably should not have objected to such a proposition. The modification to which he alluded was, to allow to every man who should be thus employed, additional pay. But, will any gentleman who has voted for war measures consent that this proposition shall lie on the table? If so, the people will still believe we are not in earnest. If the mover of this proposition be disposed, in the least, to accommodate the House, it would be best at once to take a vote on the resolution itself, instead of the motion at present before the House.

Mr. KENT.—However I might be disposed to discuss a resolution of this nature at any other time, I am decidedly opposed to it at this moment, either in its original shape, or as amended. Should we be serious in going to war, our army will have sufficient employment.

The President knows his duty too well not to employ those men in erecting and repairing forts, to guard against the inroads of our enemies—for a powerful one we shall have to contend with. View, sir, our extensive seacoast from the Chesapeake to Mississippi. Georgia and the Carolinas must be watched and defended. New Orleans must be protected, and New York must not be overlooked. Are we to raise those troops with their numerous officers, and encounter a countless expense, to do what? Cut roads and make ditches. What effect is the gentleman's resolution calculated to have on the enlistments about to be made? Patriotism alone can raise an army in this country.

Such is the facility with which a comfortable subsistence can be obtained in this happy land by agricultural pursuits, that men are to be induced by patriotism, not the pittance that we shall offer them, to enlist in the service of their country. However correct the motive and object of the gentleman may be, his resolution, at this critical moment, is well calculated to bring our measures into contempt. It is well adapted to convert the serious, solemn acts of this House, into a mere farce. What is proposed? To convert your army, at a time like this, into mere hewers of wood and diggers of earth. Instead of avenging the wrongs so deeply inflicted upon our country, they are to be consigned to work upon the roads, to be associated in employment with criminals,

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who, by the laws of some of the States, are sentenced, by way of punishment, to labor on the roads. The gentleman from Virginia speaks of the legions of Rome; had such a resolution been adopted by the Roman Senate, it would have converted their brave legions into worse than a band of diggers. It would have bent their lofty minds, from the greatest bravery, from the loftiest virtue, to a debasement beneath calculation.

I hope the House will reject the resolution with that promptness, with that decision, which becomes us.

Mr. RANDOLPH had a wish to accommodate the gentleman from Tennessee. He would, therefore, withdraw his motion for laying the proposition on the table, and have the question on the adoption of the resolution.

Mr. SMILIE observed that, if such a proposition would, at any time be proper, it is extremely improper at this time. The less said on the subject the better.

Mr. KEY had always considered it to be the duty of the soldiery to build fortifications; they had to obey the commands of their officers in executing works of this kind. The gentleman from North Carolina (Mr. STANFORD) had stated correctly that the soldiers had been employed in making the road which he had mentioned; and he believed, at this time, some troops are engaged in cutting a road through the lands of the Choctaw nation of Indians. But he was opposed to the resolution, as unnecessary—it being already the duty of soldiers to execute works of this kind, under the direction of their officers.

Mr. WINGERY wished to know if the motion could not be divided. The working on fortifications was certainly a part of the duty of soldiers; but he considered this power already in the hands of the commander of every army, and it would not be taken from him by any vote we may give, so he should vote against the resolution. As to working on roads and canals, he did not expect the soldiers to be employed in this manner.

Mr. RANDOLPH would suppose the case to happen, to which the attention of the House was called yesterday, on one of the amendments to the bill for raising an additional military force, that our affairs are adjusted with England, and the troops are not wanted to fight. You have put it out of the power of the President to disband them. Would it not, then, be desirable that they should be employed in some useful work, while they are receiving their pay from the public? The gentleman from Maryland, (Mr. WRIGHT,) had talked about these men being associated with felons. He did expect accuracy from that gentleman. Is there any such proposition in that resolution? It is a simple, naked proposition, a rational and reasonable one; and one which nothing but the panic of the moment could have raised into the consequence which had been given to it. The question is simply this—whether a large body of troops, engaged in the service of the United States, not having employment, whom the nation is compelled to pay, shall be employed on works of public utility? And, his friend from North Carolina

had refreshed his memory in mentioning the fact of the late President having thus employed a part of the soldiery formerly. There is nothing in the resolution to damp the ardor of the patriotism of any man inclined to enter the service. If it be patriotism which leads a man to enter into the army, he will calculate upon leaving it as soon as the army shall have effected its object; and if at any time, during his service, he should not be wanted to perform military duty, he would prefer being employed in honest labor, in the open, cheerful air, to being shut up in a barrack.

Mr. R. would venture to say that, if at the end of this Congress, or at the commencement of the next, a resolution to this effect were to be laid upon the table, when the present war fever had somewhat abated, if it shall not be wholly removed, nothing of the sensation which we have now seen, would be produced. He could readily believe that the common soldiers, already enervated by idleness and inebriety, would have objections to this proposition; but their objections would be, with him, the highest recommendation.

In no remarks, said Mr. R., which he had ever applied to an army, had he any reference to that army to which we owe our independence. He thought of it with far more reverence. Let not gentlemen deceive themselves—the army of the present day is not the army of the Revolution—General Wilkinson is not General Washington. A more corrupt military body never existed than the Prætorian band.

Mr. WRIGHT inquired of the Speaker if it were in order thus to abuse the army of the country?

The SPEAKER said the gentleman had a right to express his opinion of any public establishment; the great object in debate is to respect ourselves, not to exhibit extraordinary heat, but to discuss every question which came before the House in a cool and orderly manner, and treat each other as gentlemen ought to be treated.

Mr. RANDOLPH rose and asked, if another Cromwell was at the door; or, if not at the door, in full march to subvert the liberties of the nation—and show me the nation, said he, which has lost its liberty in any other way—a member is not to rise and announce the danger, lest he should hurt the feelings of some gallant and honorable man; because he may wound the feelings of the Prætor to the First Consul? The opinion which he had expressed of our army, was the deliberate conviction of his judgment, from which he never should be driven. It had been made his duty to examine the testimony of a cloud of witnesses, many of them members of that body, and his soul sickened with loathing and disgust at the examination. He would not be understood as making his observations general. There are in the Army many worthy, gallant spirits; but, taken in the mass, it is cankered to the core. He recollected the evidence, which he was compelled to reduce to writing, in the trial of Aaron Burr. He knew by whom Burr was received, and supplied with arms out of the public stores, with aids—orderly sergeants, he believed, they were called—and he had seen these very persons since promoted. Under

these circumstances, he had a right to express himself of the Army as he felt.

Mr. R. could not sit down, without again expressing his regret at the heat which had been struck out of this plain, reasonable proposition. He would remind the gentleman from Tennessee, that, if the resolution were agreed to, the details of the bill could be made conformable to the idea he had suggested. If he could have believed that the House would have made so much opposition to his resolution, he would not have brought it forward; and he was prevented from withdrawing it at present, only from the nature of the reception it had met with.

Mr. MILNOR was surprised that gentlemen were not ready to receive any proposition which was made to the House, with coolness, and to discuss it with moderation; he thought it better to take this course, than, in heat and passion, at once to reject a measure, which, in our opinion, may be improper. He thought it right that the question should be decided by yeas and nays, and he should vote against it. However much he respected the gentleman who brought forward the proposition—and he always listened to his eloquence with pleasure and benefit—he could not vote for it, because he had voted for the bill for raising an additional army; and he considered that this proposition was calculated to throw a damp upon the business of enlistment. He had considered it his duty to go along with the majority in putting the nation into a complete state of defence. He trusted we were assuming a new posture, which had been long recommended, and he considered this disposition as auguring well for the prosperity of the country.

Mr. M. observed, that one part of this resolution was very objectionable. It had never been considered as the duty of soldiers to make roads and dig canals, except such works became necessary for the accommodation of the army, as had been stated by the gentleman from Maryland. As to the other branch of the resolution, respecting fortifications, it is already the constant practice of commanders thus to employ their men, and therefore this provision is unnecessary. He hoped, therefore, the resolution would be rejected.

It was rejected—yeas 15, nays 102, as follows:

YEAS—Harmanus Bleecker, Elijah Brigham, William Ely, James Emott, Asa Fitch, Richard Jackson, jr., Lyman Law, Joseph Lewis, jr., Hugh Nelson, Timothy Pitkin, jun., Elisha R. Potter, John Randolph, Rich. Stanford, Laban Wheaton, and Leonard White.

NAYS—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, Josiah Bartlett, Burwell Bassett, William W. Bibb, Thomas Blount, Adam Boyd, James Breckenridge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Matthew Clay, James Cochran, John Clopton, Lewis Condit, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyne-man, Richard M. Johnson, Joseph Kent, Philip B. Key,

William R. King, Abner Lacock, Joseph Lefever, Peter Little, Robert Le Roy Livingston, Wm. Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Anthony New, Thomas Newbold, Thomas Newton Stephen Ormsby, William Paulding, jun., Joseph Pearson, Israel Pickens, William Piper, Benjamin Pond, Peter B. Porter, Josiah Quincy, William Reed, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Daniel Sheffield, John Smilie, George Smith, Silas Stow, William Strong, Lewis B. Sturges, George Sullivan, Benjamin Tallmadge, Peleg Tallman, John Taliaferro, Uri Tracy, George M. Troup, Pierre Van Cortlandt, jun., Robert Whitehill, William Widgery, Thos. Wilson, Richard Winn, and Robert Wright.

VOLUNTEER CORPS.

The House again resolved itself into a Committee of the Whole on the bill to authorize the President of the United States to accept and organize certain volunteer military corps.

The amended bill being under consideration, which provides for the appointment of the officers by the several States—

Mr. PORTER moved to amend the second section of the bill, by adding to it the following words: "and shall be liable to be called upon to do duty at any time the President of the United States shall think proper."

It might appear extraordinary, Mr. P. said, that he should propose an amendment to a bill which he believed to be Constitutional, which, if adopted, would make it unconstitutional. But, perhaps, when his motives were understood, he should stand acquitted of acting improperly. The object of the President of the United States and of the Committee of Foreign Relations, was to provide a volunteer force to act in conjunction with the regular troops, in such service as Government may direct them to perform. The committee, in conformity with this view, had directed him to draw a bill, which was first reported to the House. In that bill, he gave this volunteer corps the character of regular troops, or Federal troops, in distinction from regulars or militia, under the opinion that a militia corps could not be employed without the limits of the United States. The Committee of Foreign Relations gave their consent to the bill; but some of the members of that committee, after reflection on the subject, thinking that the militia might be employed in carrying on an offensive war, and being desirous of so employing them, they asked leave to have the bill recommitted, and the present amendatory bill was reported. If the opinion be correct, that the militia may be employed in foreign offensive war, then the bill, as it now stands, is a proper one; if not, it will be ineffectual and inapplicable to the object in view. He had introduced this amendment for the purpose of trying the sense of the committee on this point. If it be deemed Constitutional to employ the militia in any purposes of war, there can be no objection to this amend-

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ment; but if, on the contrary, (which was his opinion,) it be thought the militia can only be employed for the purposes mentioned in the Constitution within the United States, this amendment will be negative, and we must have recourse to the original bill.

Mr. POINDEXTER observed that the amendment proposed by the honorable gentleman from New York would not, if agreed to, obviate the Constitutional difficulty which had been raised on the present occasion. The President, said he, has already the power to call out the militia at any time he may think proper, to do military duty in the service of the United States; but that power is expressly directed to objects within the jurisdictional limits of the United States. If, then, the amendment be adopted, it will confer on the Executive no authority which he does not already possess. He hoped, therefore, the honorable gentleman would withdraw the motion which he had made, that a more comprehensive amendment might be offered, declaring the use which should be made of this force when organized. Sir, said Mr. P., I am one of those who believe that these volunteers will be composed of the purest and best materials of which our country can boast. The hardy and enterprising sons of the planter and the farmer, whose occupations are peculiarly calculated to qualify them for the fatigues and hardships incident to the camp, and whose minds, untutored in the school of vice and immorality, inhale the holy flame of patriotism, by the influence of which they are animated to brave every danger, to vindicate the rights, and redress the violated honor of their native country. I wish, said he, to give to the energies of this corps such a direction, as to constitute it an efficient force for all the purposes of the war, which is about to grow out of the wrongs inflicted on the nation by the tyranny and injustice of Great Britain. Can we, then, constitutionally employ volunteer militia without the jurisdiction of the United States, in the prosecution of hostilities in the enemy's country? Mr. P. said he was of opinion that no legislative act of Congress could confer such a power on the President. The Constitution of the United States recognises two species of land force only—the Army, and the militia of the respective States; in relation to the former, there is no restriction on the discretion of the Government; with regard to the latter, the purposes for which they may be used are limited and defined. Congress may, by the Constitution, “provide for calling forth the militia to execute the laws of the United States, suppress insurrections, and repel invasions,” and for “organizing, arming, and disciplining the militia, and for governing such part of them as may be in the service of the United States, reserving to the States, respectively, the appointment of the officers.” The bill on your table contemplates a simple organization of fifty thousand volunteers, to be officered by the State authorities, leaving it to the Executive to make such a disposition of them, as, in his opinion, may be consistent with the literal import of the

Constitution. To me, said Mr. P., it appears evident that this force must be confined to the actual territorial limits of the United States, unless some provision is made, by which they may be compelled to step over the national boundary to carry on offensive war. For that purpose, he said, if the honorable gentleman would withdraw his motion, he would, without further explanation at this time, move a new section to the bill, which, in his judgment, would render this volunteer force effective, both for internal and external purposes.

Mr. PORTER then withdrew the motion to amend, and Mr. POINDEXTER proposed the following section, to come in between the first and second sections of the bill:

“And be it farther enacted, That each volunteer shall sign an engagement to serve the United States, according to the provisions of this act, which shall be transmitted by the Executive of the respective States and Territories to the President of the United States; and when called into actual service, under the authority of the United States, each volunteer shall be subject to the rules and articles of war, and may be called into the service of the United States, to any place without the jurisdiction thereof.”

Mr. GRUNDY would have voted against the proposition of the gentleman from New York, as he should do against the one now offered. They amount to nothing. If the Constitution forbids the President from sending the militia out of the United States, how can we authorize him so to do by law? We cannot; we should legislate to no purpose. Whether he had the authority or not, would depend upon the construction which the President himself shall give to the Constitution. Nor could he see how this proposition gets over the difficulty. It provides that a militiaman may authorize the President to send him beyond the limits of the United States. He had always understood that in framing the Constitution of this Government, there was great jealousy exhibited lest the General Government should swallow up the powers of the State governments; and when the power of making war and raising armies was given to Congress, the militia was retained by the States, except in the cases mentioned in the Constitution. How, then, can you permit militiamen to engage in the service of the United States contrary to the provisions of the Constitution, and by that means leave the State unprotected? It was with this view that he should vote against this motion. He knew the corps proposed to be raised would be less effective as militia, than if considered in the light of regulars, but still they would be of great use. If they could not be sent to Canada, they could be employed at home, and liberate all the regulars for that service.

Mr. PORTER knew that he offered to the Committee an unconstitutional provision; but, as he had before stated, it was for the purpose of ascertaining the sense of the House on the subject. His idea in raising a volunteer corps was to get a force for making an invasion of the British provinces; and he wanted to know whether these

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volunteers would be a force that could be thus used, or whether it was to be a mere militia force.

The amendment offered by the gentleman from the Mississippi Territory would have the same effect with the one offered by himself. The Constitution, said Mr. P., speaks of two kinds of force—the Army and the Militia. The militia is considered the strength of the nation for defending and protecting the country. The militia, as was observed by the gentleman from the Mississippi Territory, is the shield of the nation—the Army, the sword. The militia may be called forth by Congress to suppress insurrection, enforce the laws, and repel invasion, and for these purposes only. He did not agree with the gentleman, that the militia could in no case be employed without the limits of the United States. He did not think their services were to be confined by geographical limits. If it became necessary for the Executive of the United States to call out the militia to repel invasion, he thought they might pursue the enemy beyond the limits, until the invaders were effectually dispersed.

There is nothing, said Mr. P., to prevent an agreement being entered into between militiamen and the Government of the United States for the performance of military service; but then, after such agreement, they would no longer be militiamen—they become a part of the Army. He should vote against the amendment, as he believed it to be unconstitutional; and then against the bill, as ineffectual.

Mr. WINGERY hoped the bill would be so modified as to be useful. When gentlemen talk about militia, they talk about something very different from the force provided for by this bill. This is a bill for accepting a corps of volunteers not exceeding 50,000 men, to be under the same regulations and restrictions, when in service, as regular troops, which he thought might be marched anywhere.

Mr. PORTER again explained the difference between regular soldiers and militia; and concluded with wishing the gentleman from the Mississippi Territory to withdraw his amendment, and he would move to strike out the three first sections of this bill with the view of inserting the four first sections of the bill originally reported.

Mr. POINDEXTER withdrew his motion.

Mr. PORTER then made his motion accordingly.

Mr. JOHNSON said, when militia officers shall raise a volunteer corps, they will not be considered in the service of the United States until called upon to march. And is it supposed that a volunteer force, with an object before them, will not fight equal to any regular force of the United States? Shall we put aside the officers proposed to be appointed by the respective States, and give to the President the power of appointing these officers? He was opposed to this course. The militia was intended as the security of the States, and he would never consent to their being officered by any other than the State authority; for if one thousand men could be taken from Kentucky in this way, thirty thousand might be taken,

and thus leave the State without its natural defence. These volunteers, called out under their State officers, would go to battle with the greatest alacrity; and he was astonished to hear it said that it would not be an effective force, except officered by the President—then, according to gentlemen, it would be all-sufficient. The President will have enough to do to appoint officers for the regular force; but he was afraid this volunteer corps was to be scouted, that the men who would compose it may be got to enter the Army. Have we come to this, said Mr. J., that a freeman of the United States cannot engage to serve his country in any way that he chooses? If so, we had better stop short and submit; thus verifying the prediction of the gentleman from Massachusetts, (Mr. QUINCY,) on a former occasion, that we could not be *kicked into a war*.

The Committee rose and had leave to sit again.

SATURDAY, January 11.

On motion of Mr. POINDEXTER,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of authorizing the Secretary of the Treasury to locate the thirty-six sections of land heretofore granted to Jefferson College, in the Mississippi Territory, on any land in said Territory to which the Indian title has been extinguished, and not otherwise appropriated; and that they have leave to report by bill, or otherwise.

Mr. LITTLE moved the following resolution:

Resolved, That the President be requested to cause to be laid before this House, as far as may be practicable, a list of the whole number of vessels and ships of the United States, captured, condemned, and detained, under the orders, and by the authority of the British Government, their value, including also that of their cargo, since the ratification of the treaty of amity, commerce, and navigation, between His Britannic Majesty and the United States of America, of one thousand seven hundred and ninety-four; and, also, the amount of indemnification, if any have been made, during the same period, to the citizens of the United States on account of any of the aforesaid captures, condemnations, or detentions.

The resolution was read, and ordered to lie on the table.

Mr. PITKIN called up for consideration two resolutions, which he laid on the table on the 22d ultimo, calling upon the Secretary of the Treasury for statements of the district tonnage of the United States within each State and Territory, for every year, since the 4th of March, 1789; and the gross amount of customs within each State and Territory for the same period; which was agreed to.

The bill for altering the time of holding the District Courts of North Carolina, was read the third time, and passed.

VOLUNTEER CORPS.

The House resolved itself into a Committee of the Whole on the bill authorizing the President of the United States to accept and organize certain volunteer military corps; when Mr. PORTER

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moved to strike out the three first sections of the bill last reported by the Committee of Foreign Relations, which provide for the appointment of the officers, in the manner prescribed by law, in the several States and Territories, and insert, in lieu thereof, the four first sections of the bill first reported by the same committee, which gave authority to the President to appoint the officers.

Mr. POINDEXTER hoped these sections would be struck out, in order to insert the sections originally reported, which give the power to the President of appointing the officers. The Constitution gives to Congress the power of arming and disciplining the militia, and of calling them out for the purposes already mentioned, but leaves to the States the appointment of officers. It would, therefore, be improper to retain the sections moved to be stricken out, as they would make this corps militia, to all intents and purposes.

Mr. SMILIE inquired if the House was ready to put into the hands of the President a regular force of eighty-five thousand men. You have already, said he, placed an army of thirty-five thousand at his disposal, provided they can be raised, and are you desirous of raising fifty thousand more? If the clauses in question are struck out, and those from the old bill inserted, these volunteers will be as much a regular force as those under the laws already passed. He believed that the whole of this force might be safely intrusted in the hands of the present President of the United States; but this will be setting a dangerous precedent, which a man of more ambitious views might abuse.

Gentlemen will not deny, that if the volunteers be raised under the bill as it now stands, they may pass over the line by their own consent, which will answer every purpose. He could not agree that the officers in these corps should be appointed by the President, as he certainly could not be so well acquainted with the characters to be thus employed as the Executives or the Legislatures of the respective States. He was glad, however, that the question had come before the House in this shape, as it would distinctly mark who were in favor of relying upon the militia, and who were for relying altogether upon an army.

Mr. PORTER was sorry to see so much jealousy exhibited on the present occasion, for the question was merely one of form, and not of substance. We have all, said he, the same object in view; we all wish to employ these volunteers in the support of the rights of our country. Because these men receive a commission from the President, will it change their character? Will they at once become traitors to their country? Certainly not; these volunteers will consist of men who have as high a regard for the rights and liberties of their country as we have. While they are militia, they cannot be employed efficiently, and he wanted an efficient force or none.

Mr. CHEVES said he would not have risen had any other gentleman taken that view of the subject which he proposed to take; nor had not the

amendment been submitted on a ground which went to renounce a great Constitutional power of the General Government. He was, however, entirely opposed to the amendment proposed by the gentleman from New York. The necessary force ought to be provided under its proper name. He was opposed to a regular army in disguise, and such he was obliged to consider that contained in this amendment. He knew that no deception was intended by the honorable mover, but it would afford a dangerous example. With the gentleman from Pennsylvania, (Mr. SMILIE,) he saw nothing in the state of the country, or the views of the Government, to justify or excuse the establishment of a regular army of eighty-five thousand men. If ever the liberties of the country should be endangered by a military force, it would probably be by an army raised under some indirect pretence to cover its real character or design, such perhaps as the one now suggested. The objection stated to the bill before the Committee, and which is said to render the amendment expedient, is, that the force proposed to be raised by the bill is incompetent to the object to be accomplished, because the General Government has no power to send the militia out of the limits of the United States; that they can only be employed under that provision of the Constitution which gives Congress power to call forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion, and that this did not give Congress the power to use the force proposed for the object contemplated. This is the statement of the objection, but it does not disclose the extent of its paralyzing effects on the powers of the General Government. What, then, is the real extent of the question before the Committee? You cannot, in any case, use the militia in performing garrison duty. You cannot call them forth, even in time of war, to prepare for an expected invasion, or send them to the frontier, to the West or the East, until the enemy has entered your territory. An invasion is a hostile entry on your territory; and, according to the construction suggested, nothing else but a hostile entry on your territory will authorize you to call forth the militia. Nor can you, in case of actual invasion, employ them beyond the boundary line of the United States—for though the gentleman from New York says the service of the militia is not to be bounded by geographical limits, I cannot, said Mr. C., discover the premises by which he comes to this conclusion, if the General Government has no other power over the militia than is given to it in this clause of the Constitution. If they may cross the line, why not go to the walls of Quebec? The principle is trampled upon the instant they pass beyond the territorial limits of the United States; nor, if this be a correct construction, can the consent of the individual add anything to the powers or the rights of the General Government while he remains a member of the militia of the State. It is the State which claims the right of a sovereign to retain the militia within the limits of the United States; and the

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individual who owes to the State allegiance and duty coextensive with the right of the State, can transfer no part of that allegiance or duty to the United States, which are a distinct sovereignty. The sovereign claims of the States are opposed to those of the United States, and the consent of the individual can neither increase nor diminish the rights of either while he continues a member of the militia of the State. Such is the effect of the construction proposed, that you could not march a militiaman from Connecticut to Massachusetts, with or without the consent of the individual, to suppress insurrection, till it had actually taken place, or till your laws have been actually resisted, or till your territory has been actually invaded, or even send him to garrison a fortress in time of war within the State of which he is a member, until there has been a hostile entry, nor even then perhaps. This cannot possibly be all the power which Congress has over the militia of the Union. By such a construction of the Constitution you cut the best sinews of our national strength.

But, said Mr. C., the power of the General Government to use the militia in time of war is not given by the clause of the Constitution which has been mentioned. It is granted by a different clause of the Constitution—that which authorizes Congress “to declare war.” To discover the true extent of this power, it is necessary to inquire into the nature of the Government of the United States, as it applies to the subject under consideration. Is it a Federative or a National Government? a Government in which the States as States are represented and bound, or one in which the people are represented and bound? For the purpose of making war, it is essentially a National Government, a Government of the people. The distinction between a Government of the people, and a Federative Government, will be best seen by a comparison of the present Government of the United States with that of the old Confederation. The last, unlike the former, was not in itself a sovereignty. It represented the sovereignty of the States as that of so many individual sovereignties. It could make no law immediately binding on the persons or the property of the citizens of the several States. The troops of the Confederacy were raised under acts of the Legislatures of the several States; the other supplies of the war were granted in the same manner. But, under the present Government, the laws of Congress act immediately on the persons and property of all the citizens of all the States. This, then, is a definition of a National Government, or a Government of the people. It acts immediately on the person and property of the citizen, and such, as to the power of declaring and making war, is the nature of the Government of the United States.

The Government of the Union, then, possesses the power, and this power, too, is exclusive, of declaring and making war; and, for the purposes of declaring and making war, is a National Government. But the power of declaring and making war is a great sovereign power, whose limits

and extent have been long understood and well established. It has its attributes and incidental powers, which are in the same degree less equivocal than those of other powers, as it exceeds those powers in its importance. Do you ask, then, said Mr. C., for the right of Congress to employ the militia in war? It is found among the attributes of the sovereign power which Congress has to make war. Do you ask for the limits to which this employment may extend? They are coextensive with the objects of the war. Those who think the General Government has no right to send the militia out of the United States, probably found this opinion on the clause of the Constitution already mentioned, which gives Congress a right to call forth the militia for the purposes of enforcing the laws of the Union, suppressing insurrection, and repelling invasion, and apply to it that rule of construction which declares that the expression of one case tacitly excludes all like cases. The argument, then, is this: though Congress might have had a right to use the militia for all the purposes of war, had not this clause been inserted in the Constitution; yet, as in it we see an express grant of a right to use the militia for a particular act of war, we necessarily infer that it was intended to grant no other like power; that is to say, no power to employ them in any other act of war. The fallacy lies in this: the cases are not like cases. The term invasion, as used in the Constitution, is well understood not to refer to a state of public and declared war, such as Congress has the right to declare and wage. It may be used to express a circumstance or an incident of such a war. But, when it is used without such dependence, it means, and it is so understood and used by writers on public and national law, a hostile entry into the territory of a sovereign Power, not growing out of a public and declared war. For example, if the Governor of either of the two Canadas were to make an inroad into the territory of the United States, this would be an invasion within the meaning of this clause of the Constitution. It would be an act of war, but would not necessarily involve the peace of the United States with Great Britain. Every act of war will not destroy the peaceful relations of Governments. Great Britain and France, for years past, have committed upon us acts of hostility, but they are still considered, politically, as at peace with us. The attack on the Chesapeake was an act of war, but, to use the appropriate terms, it was an act of war *de facto*, not *de jure*. So, frequently, is also an invasion. The sovereign invaded may consider it as destroying the peace which had previously subsisted between him and the aggressor, or not, as he pleases. These invasions are generally sudden and unexpected, and it was no doubt to repel such, that the power contained in this clause of the Constitution was given.

We thus discover, said Mr. C., the objects of the Constitution. It had given the power of calling forth and using the militia for the purposes of war generally, under the power to declare and make war; but the Government, under this grant

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of power, is only authorized to use them in the case expressed—a public and declared war. It was, therefore, deemed necessary or expedient to grant to the Government of the Union a power to require the services of the militia in certain other cases, and therefore was inserted the clause giving power to Congress to call forth the militia, to execute the laws of the Union, suppress insurrection, and repel invasion. Here, accordingly, we see invasion coupled with cases which have no possible connexion with foreign or national war. This clause, then, is not a restraining clause, but one giving further and other powers than those contained in the general power to declare and make war. Without this power the Government of the Union would have no right to call forth the militia of the United States to repel an invasion immediately on the emergency, before war could be declared; which, should Congress not happen to be in session, would require a previous call of that body, and a consequent dangerous delay. But, it is said, that if the General Government have a right to send the militia whithersoever the objects of a war may lead them, it will diminish the rights of the States, and oppress the citizens of the country. The first of these evils must be unfounded in fact, for it is to substitute the peculiar force of the States for a regular standing army of the United States; which must, consequently, increase their security, and extend, not diminish, their power. The other of these evils is the consequence of a power which must rest somewhere in every Government, and which is little, if at all, to be feared in a free one. The volunteer militia, then, proposed by the bill, can be used in the contemplated war for the object intended; they can be sent out of the United States, and, therefore, the amendment is unnecessary.

Mr. C. had other objections to the proposed amendment. It provides that the officers shall be appointed by the President, and under them the volunteers must cease to be militia. But they are not to be called into service but on a contingency, and are, in the meantime, to continue in the mass of the citizens, where they will be bound to do militia duty; yet this law proposes to exempt them from it. They are precisely like the exceptionable corps of 1798, which were then loudly proclaimed to be unconstitutional; nor was this said only in the fervor of debate, and under the influence of party feelings. But the same opinion has been declared by a grave and learned judge, in the recess of his closet, as the result of unimpassioned deliberation. In a treatise on the Constitution of the United States, by Judge *Tucker*, contained in his edition of *Blackstone's commentaries*, written with learning and ability, he has declared the act of '98 to be unconstitutional. [Here Mr. C. read an extract from *Tucker's Blackstone*, in which the writer declares, that as these corps were to be officered by the President, but not called into service, "it seems impossible to consider them in any other light than as a part of the militia of the States, separated by an unconstitutional act of Con-

gress from the rest of the militia, for the purpose of giving to the President powers which the Constitution expressly denied, and an influence the most dangerous that can be conceived to the peace, liberty, and happiness of the United States."]

But, putting the Constitutional question as to mere actual power out of view, the spirit of the Constitution, in this case perhaps of no less importance, would be essentially violated. The amendment proposed a force which would be, in everything but name, a regular force. Such armies, in any shape, were not congenial to a free Government, but this was the most dangerous possible shape in which an army could be established. When you raise a regular army, do it by that name, and the danger of it will be greatly diminished by that reasonable and salutary jealousy, which it will never fail to excite; but give it this equivocal form, and you lull to sleep this best guardian of our Constitutional liberties.

But, if there be any gentleman, who, feeling the force of these objections, is yet desirous of relieving the Chief Magistrate from the embarrassment of any doubt that may exist of the power of the General Government to use the militia out of the limits of the United States, Mr. C. would say to him, that he believed the Chief Magistrate had no difficulty on the subject. Mr. C. had been informed that he had no doubt of the power of the General Government to march the militia without the limits of the United States. But, whatever may be his opinion, it is not for this House, by a legislative act, to declare his Constitutional duties. He must, and ought to be left to act under that high responsibility which is attached to his office. No man in the United States understood the Constitution better, and those who thought as highly of him as Mr. C. did, would be assured he would discharge his duty in this particular with firmness and with judgment. Should it be determined that this force cannot be sent out of the United States, we may not be able so soon to conquer Canada, but we shall save the Constitution.

Mr. C. said, it appeared to him very doubtful whether it would be good policy to take possession of the open country of Canada, with militia or volunteers, if we could not proceed immediately afterwards with a regular force to the attack of Quebec; or, at least, substitute the militia, with a competent number of regulars to keep possession of the country. It would neither be safe nor economical to perform this service with militia. It would require a great increase of numbers, and, however brave, they would be unfit for the discharge of camp duty; they would be peculiarly exposed in their quarters to surprise and attack, by the active, rapid, and persevering enterprise of regular, disciplined, and veteran troops; more would fall by the diseases of the camp than by the sword, and in every one would be lost some valuable member of a family. Before you enter Canada, said Mr. C., you ought to have such a number of regular troops as will enable you to keep possession of the open country.

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These you must increase till they are sufficiently numerous to enable you to sit down before Quebec. Until you take Quebec, you are not securely in possession of a foot of the country. Of what advantage would be a precarious possession of the open country? You do not go to plunder it, but to adopt the inhabitants as brethren and fellow-citizens. The injury done to the enemy will not be equivalent to the expense you will incur. For his part, Mr. C. said, while he thought the right of the General Government to use the militia for the general purposes of war vitally important to the Union, he never wished to see them used in offensive war, except in unexpected emergencies; and then, if possible, in aid of regular troops.

Mr. WRIGHT.—Mr. Chairman, I will subjoin a few remarks to those so well made by the gentleman from South Carolina (Mr. CHEVES.) Sir, by the Constitution, section three, “the President shall take care that the laws be faithfully executed.” By the second section, “the President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States.” Thus we see that the President is, in the same section, made Commander-in-Chief of the Army and militia. The section which has just been urged by the gentleman from South Carolina, authorizes Congress “to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.” Sir, when the Convention gave the President the power of commanding the Army and Navy, and the militia of the United States, they intended him so to command them, as in the best manner to execute the laws of the United States, to suppress insurrections, and repel invasions, and submitted to his discretion the manner in which this can be best effected. Sir, there is another section by which Congress have a power “to declare war.” This declaration sir, is, by an act of Congress, a law of the United States, which the President is solemnly bound to execute. How, sir, I will ask, is this law to be executed? War is the applying the force of the nation to the annoyance of their enemy. It has been well defined—“an experiment which can do the other the most harm.” It is well known that the force contemplated was declared publicly to be “for the invasion of Canada.” There, then, can be no doubt with the President as to the object of the force, and the legislative authority of Congress to raise the force and direct its application. The question is, how shall this volunteer corps be commissioned? It would be violative of the Constitution to authorize the President to commission the officers. This patronage was thought dangerous, and was consequently vested in the State governments. I therefore, for myself, feel no difficulty in voting for this volunteer bill, which contemplates the appointment of its officers by the State governments; nor can I feel a doubt that the force raised by this bill for the express purpose of the invasion of Canada, will not be applied to that object. I have the utmost confidence in the

President of the United States, and that the laws will be faithfully executed. Sir, I presume that there can be no doubt that any citizen can bind himself as a regular for five years, and if so, can there be a doubt that he can bind himself as a volunteer for one year. My logic has taught me that every greater power includes every lesser, and that to become a volunteer for one year is as positive a right as to become a regular for five years.

Mr. TROUP said, it was evidently an object with the Convention who formed the Constitution to repress, as much as possible, in the new Government, the power of making conquests. History had informed them that conquests had always been injurious to every country which had engaged in making them; they, therefore, by their provisions, endeavored to repress this spirit. They say, in so many words, “If you will indulge in this spirit of conquest, which has been the bane of every nation which has indulged in it, you shall carry it on by an army, and an army only.” And why? Because an army could only be raised by putting the country to great expense, and this was the limitation which the Convention thought proper to put to the spirit of conquest. A large army, maintained for this purpose, would be viewed with jealousy by the people of the United States; and of this the members of the Convention were well aware. There was, on the face of the Constitution, Mr. T. said, an obvious distinction made between the Army and militia. Power is given to Congress to raise armies. For what purposes? For all military purposes. Congress shall have power to call out the militia. For what purposes? To suppress insurrections, execute the laws, and repel invasions. If it had been the design of the Convention to have given Congress the same power over the militia as over the Army, would they not have said so in express terms? But there was another good reason for withholding this power from Congress. The States relied upon the militia for their protection against any attempt at usurpation by the General Government. If gentlemen will turn to one of the amendments of the Constitution, they will find it declared, “that a well regulated militia is necessary to the security of a free State.”

But there is another wide distinction between the Army and militia, from the different characters of the persons who compose the two bodies. What are the militia? They are yeomanry; citizens of the country, called from their homes and their families, in cases of emergency, for the defence of their country. Would it be reasonable to vest the power in Congress to carry these men from their homes and their families, for foreign invasion or foreign conquest? It could not have been the intention of the Convention that these men might be shipped off against Jamaica or Vera Cruz—for if, by any construction of the Constitution, the militia can be sent one foot beyond the limits of the United States, they might be sent to Chili or Paraguay.

If, then, the militia cannot be sent out of the

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country, and these volunteers are militia, neither can they be so disposed of. But are they militia? He did not know how they could be distinguished from them. They now form a part of the militia, under the officers of the respective States, and they are so to remain. They are, therefore, volunteer militia, and nothing else.

But gentlemen say, these volunteers can be marched out of the country by their own consent. Will consent make any difference? Will it make an act of Government Constitutional which, without it, would be unconstitutional? The Government of the United States and these volunteers are not the only parties concerned. The people of the United States were the makers of the Constitution, and not these individuals and the General Government; and the respective States cannot surrender their militia, which they have a right to hold for their own security.

But the gentleman from the State of Maryland (Mr. WRIGHT) says, that the militia may be called out by the General Government to execute the laws; that the President may be authorized to take possession of Canada by law, and that the militia may be called upon to execute this law. This, he considered as an unfounded construction of the Constitutional provision. It was surely never meant that the militia should be called upon to execute the laws without the Union, but within it. The law alluded to by the gentleman would be a declaration of war, and not a law of the Union, for the execution of which the President has power given to him to call out the militia.

If the militia can be called out to repel invasion, they can be called out to the seaboard or garrisons, for the purpose of repelling invasion, whenever well-founded apprehensions are entertained of such an event; and if they go beyond the territory, it would be no less an act of repelling invasion than was the first onset.

If, said Mr. T., these volunteers are to be organized as regular troops, not for five years, like the other regulars, but for one year, then whatever men enter the service of the country, will go into this corps; and the army provided by law to be raised, would not be enlisted.

Mr. T. was willing to authorize the President to accept of the service of fifty thousand volunteers for the defence of the country, under the bill as it now stands, which would leave the Government at liberty to send the regular troops abroad, if they found it necessary to do so.

Mr. RHEA.—Mr. Chairman, it is my sincere wish that we could get on with this bill in some mode. The only question arising on this subject and giving cause to this debate is, by whom shall the forces, contemplated to be raised by this bill, be commissioned? Whether by the respective States, or by the President of the United States? In making up my opinion on this subject, I will not take into view to what object the contemplated force may be directed. Let that be a subject of future consideration. There appears no necessity to consider that question now. Let the force be put in the power of the President, and

be hereafter employed as emergencies may require. It is my duty in all cases to pursue the Constitution of the United States; and, relative to commissions, it will be seen that the President is authorized to commission officers of the United States, whose appointments are not thereby otherwise provided for, and which shall be established by law. By the Constitution, is reserved to the States, respectively, the appointment of the officers of the militia, employed in the service of the United States, and not only to commission the officers of such militia, but also to fill up vacancies which may be among the militia when in actual service.

It may then be proper to omit, at the present moment, the future direction of the force contemplated, and go on with the bill as soon as possible. Every gentleman knows that Congress have power to provide for calling forth the militia to execute the laws of the Union, to suppress insurrections, and to repel invasions; and it may also be known, that the States have to themselves respectively reserved the power to commission the officers of militia so called out. The Constitution admits only two species of forces—a regular force and a militia. The President is empowered to commission, with consent of the Senate, all officers of regular forces; but to the States is reserved exclusively the right to commission officers of the militia. In this case, then, it is my duty to vote in pursuance of the Constitution, so that so far as that will go, the sovereignty of the respective States shall not be infringed nor impaired.

Mr. FISK could not consent to raise any military force without having in view the object for its employment. It was an objection to the laws of 1798, for this purpose, that they had no definite object. We must always have an object in view when we propose to raise a military force, or our conduct would be absurd. We all know the object at present, and the inquiry is, whether or not the force contemplated by this bill will be effectual? He believed it would not.

The gentleman from Georgia (Mr. TROUP) had taken a Constitutional view of this subject, to which he had nothing to add. With respect to the danger which some gentlemen appeared to apprehend from placing these volunteers under the President, it was certainly imaginary only; for the President has the power of calling out the whole of the militia, of which he is commander. Where, then, is the difference? But, if the bill remained as at present, there would be great difficulty in filling up vacant offices. By the laws of several of the States, the platoon officers are elected by the soldiers; and if any of these officers fall in Canada, how are their places to be supplied? In the bill, as proposed to be amended, there would be no difficulty on this score.

It was an easy matter to discriminate between volunteers and militia. It is the character of a militiaman to remain at home, under his officers, except called upon for some particular service; but a volunteer, of his own choice, throws off the character of a militiaman, and assumes that of a

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volunteer, to serve under officers to be appointed by the President, and to march wherever he is commanded. This would be certain ground, clear of Constitutional objections. As to taking away the defence of the States, the States are not privileged to any particular number of militia; many of our regulars are always enlisted from militiamen. It was not likely that so many of the militia of any State would volunteer their services as to leave the State destitute of sufficient for its own defence.

Mr. CLAY (the Speaker) observed, that he had stated to the Committee of the Whole, on a former occasion, that he was in favor of an exertion of the national energies in every form, in prosecution of the war in which we are about to engage. He was consequently in favor of authorizing the President to accept of the service of a volunteer corps. The difference of opinion on this subject arises from the structure of this force, or rather as to the manner of commissioning its officers.

Mr. C. acknowledged he had not fully investigated the subject; but his present impressions were, that, in cases of emergency, the nation is at liberty to use the best security of the people, whether in the form of ordinary militia or volunteers, in any manner that may appear best calculated to preserve the public interest. He did not think full justice had been done to the able view taken of this subject by his intelligent friend from South Carolina (Mr. CHEVES.) The power of declaring war, of making war, would seem to carry with it all the attributes of making war.

The gentleman from Georgia, (Mr. TROUP,) to whom he always listened with pleasure, objected to the power contended for, because it might possibly be abused by sending the militia to a distant foreign country. What the Government had the power to do, and what might be deemed expedient, were very different.

What is the argument? The militia cannot be sent out of the United States, because there is no power given in the Constitution of the General Government for this purpose. Will gentlemen give a satisfactory answer to this question? The Constitution declares Congress shall have power to raise armies and navies; but there is no power given to the Government to send them beyond the jurisdiction of the United States; yet no one will say that it was the intention of the framers of the Constitution to restrict the Government in the use of the Army and Navy. Whence, then, is the power derived but from the general power of making war, and, of course, effective war? And, if the general power of making war gives to Government the right of using the Army and Navy without the limits of the United States, why may not the same general power give the same authority with respect to the militia? He desired those gentlemen who contend that the militia cannot be sent out of the United States, to answer this question.

But gentlemen say, that the Government has not power to send the militia out of the United States, because the Constitution defines the pur-

poses for which alone they shall be used, viz: "to execute the laws of the Union, suppress insurrections, and repel invasions."

Mr. C. said he would call the attention of the Committee to two clauses in the Constitution already noticed, but not for the same purpose. Congress is "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States." What service? For repelling invasion? Does not "the service of the United States" mean any service to which that particular force is applicable? If not, the language would have been, "as may be employed in executing the laws of the Union, suppressing insurrections, and repelling invasions."

Again, the Constitution says: "The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States." What service? The service is spoken of generally, and means, no doubt, any service to which physical force is applicable. If intended only to apply to the three cases above specified, why were they not enumerated, instead of speaking of the service generally?

In one of the amendments to the Constitution it is declared, "That a well-regulated militia is necessary to the security of a free State." But if you limit the use of the militia to executing the laws, suppressing insurrections, and repelling invasions; if you deny the use of the militia to make war, can you say that they are "the security of a State?" He thought not.

Gentlemen ask, will you carry the militia out of the United States, for the purpose of making foreign conquest? That is not the purpose for which this volunteer force is wanted. They are wanted in a war of defence. In making the war effective, conquest may become necessary; but this does not change the character of the war; there may be no other way of operating upon our enemy but by taking possession of her provinces, which adjoin us.

The single difference between the two bills is, who shall have the power of making the officers. The proposition for vesting the power of appointing the officers in the President, considering the volunteers as militia, is unconstitutional, as the power is vested in the several States. But gentlemen say, call the force what you will; call it a militia force, or a regular force; let the officers be appointed by the respective States or the President, it matters but little. No man, Mr. C. said, had a higher opinion of the exalted virtues and eminent patriotism of the President than he had. But we ought to be cautious in setting precedents; bad precedents are always imposed in good times. Though the power might not be abused at present, it might hereafter be made use of for the worst purposes. He should have no fear from placing one hundred thousand men under the present Executive of the United States; but, as our Constitution declares that "a well-regulated militia is the best security of a free

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State," he should choose rather to leave the appointment of the officers of these volunteers in the States respectively.

The difficulty which the gentleman from Vermont had suggested, as to the appointment of officers to fill the places of such as may become vacant, might be provided for by an amendment.

Mr. PITKIN said, that he rose to express his astonishment at some of the doctrines which have just been advanced on this floor, and particularly by the gentleman from South Carolina, (Mr. CHEVES;) doctrines, to him, not less strange than novel. That he could not but feel alarmed when he heard it declared that the President of the United States, under the sanction of a law of Congress, has the power to send the militia of the several States beyond the limits of the United States for the purposes of offensive war; and that alarm was increased when the same gentleman had not only said, that this was his own opinion, but had also declared to the House, that he understood that this was the opinion of the President of the United States. Had the gentleman reflected for a moment, it is presumed he never would have mentioned in debate, that such was the opinion of the President, on this or any other subject before the House, as, according to the known rules of order, we are not to be informed of the opinions or wishes of the President of the United States, except by his official communications.

But, sir, whatever may be the opinion of the President, or any other person, on this subject, I cannot refrain from expressing my most unqualified dissent from such a construction of the Constitution. The power of the General Government over the militia of the several States is clearly and precisely defined in the Constitution itself. Thus: Section 8—"Congress shall have power to provide for calling forth the militia, to execute the laws of the Union, to suppress insurrections, and to repel invasions."

The Convention had many difficulties to encounter in the formation of the Constitution. Thirteen distinct and independent States, or sovereignties, by their delegates, had met for the purpose of forming a more perfect Union, and of giving up a part of their State rights, and a portion of their sovereignty, to the General Government. It cannot, for a moment, be supposed, that when they were granting to this General Government extensive and important powers, they should be inattentive as to the extent of the power with which they should invest the Government over their militia. They would leave nothing for construction on the subject. They, therefore, agreed, that in three cases, and in three cases only, Congress should have any power or control over the militia of the States:

- 1st. To execute the laws of the Union.
- 2d. To suppress insurrections.
- 3d. To repel invasions.

The reasons for vesting the United States with power over the militia, to this extent, were obvious. It was important that the General Government should have the power of executing

its own laws—this is an essential requisite in every Government—it was proper, therefore, that Congress should be authorized to call forth the militia in aid of the civil power to execute the laws of the Union. It was equally important, also, that the United States should have the power of preserving peace and tranquillity within their limits, and of securing themselves against domestic enemies. Very wisely, therefore, were Congress empowered to call forth the militia, or the whole force of the country, for the purpose of suppressing insurrections. And, sir, the United States might require the aid of the militia, not only to execute their laws and to secure themselves against domestic faction, but also for the purpose of defence against an invading foreign enemy. In this last case, therefore, Congress are equally authorized to call upon the militia for assistance.

The people of the several States have thus, sir, clearly defined the objects and purposes for which we can call forth the militia: and lest, by implication, Congress might, at some time, encroach upon the rights of the people or of the States, it is provided by an amendment to the Constitution, as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

It will be observed, that Congress have power "to provide for calling forth the militia," &c. In pursuance of this authority, acts were passed in 1792 and 1795. The title of the last act is in the very words of the Constitution: "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

By this act provision is made, "that whenever 'the United States shall be invaded, or be in imminent danger of invasion, from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth 'such number of the militia of the State or States 'most convenient to the place of danger, or scene 'of action, as he may judge necessary, to repel 'such invasion, and to issue his orders," &c.

By the same act, the President is also authorized to call forth the militia, to suppress insurrections, and to execute the laws of the Union.

Neither the framers of the Constitution, nor the statesmen who passed this law, have ever entertained the idea that Congress had the power to employ the militia of the States in foreign conquest; that no such power was ever granted to the United States, I have been taught to believe ever since I have had any knowledge of the Constitution or its principles; and certain I am, that such an idea has never, until this day, been advanced on this floor.

But, Mr. Chairman, it is said by the gentleman from South Carolina, if I rightly understood him, that this provision of the Constitution refers solely to a state of peace; that a new state of things arises from the moment that Congress declares war; that, after a declaration of war, which is one of the highest acts of national sovereignty, it

follows that the United States have the power to dispose of the persons and property of the whole country for the purpose of carrying on that war; and that, if it should be an offensive war, they have power to march the militia out of the limits of the United States for the purpose of foreign conquest. The arguments of the gentleman are ingenious, but destitute of any solid foundation. Congress, it is true, have the power to declare war; but where, let me ask, is that part of the Constitution which says that the power of Congress over the militia, is greater or more extensive in time of war than in time of peace? It cannot be pretended that there is express provision to this effect. It can arise, then, only by implication. It is a new and strange mode of construing this instrument to say, that where special and limited powers are given on any subject, that these powers may be extended or enlarged, merely by the exercise of other powers given by the same instrument. I cannot, sir, for a moment, admit the position, that, in consequence of a declaration of war, Congress have the power of disposing of the persons and property of the country to the extent contended for. To enable the United States to carry on a war, Congress are authorized "to raise and support armies;" "to provide and maintain a Navy." These are the instruments by which the United States are enabled to carry on a war, either offensive or defensive. And when the territory of the United States shall be invaded by a foreign nation, in addition to these, the militia can be called upon to take a part in this defensive war, to repel such invasion. The power, sir, which the States have retained over their militia is the surest, nay the only effectual, safeguard of their rights, against the encroachments of the General Government. If Congress, in consequence of a mere declaration of war, have the power to order the militia of the States out of the limits of the United States for the purpose of foreign conquests, the State governments may not only be weakened, but they may be annihilated. If they can be ordered to Canada, they can be ordered to Jamaica, to the East Indies, to China, to Japan. And in this way a State may at once be deprived of all its effective force. But, sir, let us attend to the consequences of this new construction given to the Constitution in another point of view. So jealous were the framers of the Constitution of the power conferred upon Congress to raise and support armies, that they thought it necessary to place a check upon the exercise of this power, by providing "that no appropriation of money to that use should be for a longer term than two years."

If the doctrine now contended for is to prevail, what check is there against the appropriation of money to support the militia in service for as long a time as Congress may think proper? It is only to declare war; it is only for us to create the necessity for calling forth the militia, and then, sir, we may call them forth to effect the objects of that war, whatever they may be, for as long a time as we may judge necessary; and we

may also appropriate money for their support, for as long a term as we think proper. And here, sir, permit me to call the attention of the House to this important distinction between the purposes for calling forth the militia, provided in the Constitution, and that which, by this new construction, we are called upon to make. By the Constitution we are not empowered to call them forth in consequence of any act of our own, but in consequence of the acts of others. When the laws of the Union are violated; when domestic enemies are arrayed against the General Government, and when the territory of the United States is invaded by a foreign nation, we then call the militia to our aid.

But, sir, the Constitution says to us, when you yourselves, by your own acts, by a declaration of war, or in any way, undertake to create the purpose or necessity for calling them forth, you shall not have the power to do it; or, in other words, you shall not have the power to employ the militia in foreign conquests. Sir, the King of Great Britain, with whom rests the power of peace and war, cannot send the militia out of the kingdom. A gentleman from Maryland (Mr. WRIGHT) says that he is restrained by an act of Parliament. Agreed, sir; he is restrained from doing it by a superior power, by the power of the Parliament, which, in this respect, is superior to his. In this country, sir, the Constitution, which is the act of the people, restrains us from doing the same thing.

I ask, sir, to address you, merely for the purpose of entering my protest against the principles and doctrines this day advanced by the gentleman from South Carolina; a gentleman whose talents I respect, and whose opinions are entitled to no small share of weight in this House and elsewhere. The remarks I have made flowed from the impulse of the moment, and were made without premeditation and without method, and I have been led, from the nature of the subject, to proceed further than I had intended.

When we are, as many gentlemen have often said, during the present session, on the eve of a war, the avowed object of which is to take possession of Canada, I could not but feel alarmed, that such sentiments were entertained, not only by the gentleman from South Carolina, but, as he informs us, by the President of the United States, to whom the Constitution has committed the power of carrying on the war. Indeed, sir, my mind recoils at the idea, that my constituents, living, as they do, along an extensive seacoast, with their towns and villages exposed to the ravages of the first invader, might soon be liable to be called upon to leave their families and their firesides, and to risk their lives under the walls of Quebec. I could not, sir, refrain from expressing my opinion, that, by the Constitution, they could not thus be compelled, to march into a foreign country without their consent. But, sir, whatever acts we may pass on this subject, we cannot alter the Constitution; the people of the United States will judge whether they are in conformity with the powers which are delegated to us or not;

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and a collision may ensue, which would be fatal to the best interests of this country.

A motion was made that the Committee rise and have leave to sit again. Lost—52 to 39.

Mr. NELSON rose, and made some prefatory remarks, and proceeded to give his reasons in favor of the bill before the Committee, and also against any constructions of the Constitution by implication—when, a motion being again made for the Committee to rise, it was carried, and the House adjourned.

MONDAY, January 13.

Mr. MILNOR presented a petition of John Bieren, W. J. Duane, and R. C. Weightman, praying the patronage and aid of Congress, in printing a new and complete edition of the laws of the United States.—Referred to a select committee.

Mr. MILNOR, Mr. CHEVES, and Mr. GRUNDY, were appointed the committee.

The SPEAKER laid before the House a letter covering a protest by James Dill and Peter Jones, two of the members of the House of Representatives of the Indiana Territory, against the memorial of that body praying Congress to admit the said Territory into the Union as a State, on an equal footing with the original States.—Referred to the committee to whom the said memorial has been referred.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a statement of public moneys now deposited in banks, and in what banks deposited, and showing the greatest amount in each bank, at any period, since the fourth of March last; and, also, the amount deposited in each bank, on the thirtieth of September last.—Ordered to lie on the table.

Mr. WILLIAMS, from the Committee on the Military Establishment, to whom was referred the bill from the Senate, "for the establishment of a quartermaster's department," reported the same with amendments; which were read, and, together with the bill, committed to a Committee of the Whole to-morrow.

On motion of Mr. SEYBERT,

Resolved, That the Secretary of State be directed to lay before this House a list of the names of persons who have invented any new or useful art, machine, manufacture, or composition of matter, or any improvement thereon, and to whom patents have issued for the same from that office, subsequent to the twenty-eighth day of December, one thousand eight hundred and ten, with the dates and general objects of such patents; and also that the Secretary of State be directed to lay an annual report before this House, embracing the above objects.

On motion of Mr. PITKIN, a committee was appointed to inquire whether any, and, if any, what alterations are necessary to be made in the act or acts "concerning Consuls and Vice Consuls;" with leave to report by bill, or otherwise.

Mr. PITKIN, Mr. BRECKENRIDGE, and Mr. MITCHILL, were appointed the committee.

On motion of Mr. JENNINGS,

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of vesting in the Legislature of the Indiana Territory, such portion of the township of land lying in the District of Vincennes, which was located by the Secretary of the Treasury for the use of a Seminary of Learning, as may be considered sufficient for the establishment of a Seat of Justice, in a contemplated new county, in the said Territory, by a division of the county of Knox.

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Mr. LITTLE called up his resolution respecting captures made by Great Britain of American vessels and property; but an amendment being moved to add "and any other Government," some debate ensued, which was interrupted by

Mr. PORTER, who said, though the information which this resolution called for was desirable, he thought a discussion upon it ought not to prevent a progress with more important public business. He hoped, therefore, the resolution would be suffered to lie upon the table for the present, and that the House would take up the bill authorizing the President to accept of a volunteer corps.

The motion was carried, and the House accordingly resolved itself into a Committee of the Whole on said bill.

Mr. NELSON rose and observed that he had caught so violent a cold since Saturday, that he feared he should not be able to make himself heard; and then proceeded for a few minutes with his remarks, but his hoarseness was so great that he was unable to proceed.

Mr. MILNOR said, that an opinion had been advanced and maintained in the debate upon this bill on Saturday last, by an honorable gentleman from South Carolina, (Mr. CHEVES,) of so novel and extraordinary a nature, that he felt it his duty to oppose it; that he entered upon this duty reluctantly and unexpectedly, having hoped that during the remarks of the honorable gentleman from Virginia, (Mr. NELSON,) he would have been enabled further to arrange his ideas, or (what was to him still more desirable) have been prevented, by the lucid exposition of that gentleman, whose views on this subject Mr. M. understood to be congenial with his own, from at all troubling the Committee. The indisposition which prevented Mr. NELSON from proceeding, and which was much to be regretted, rendered it necessary that some other member should take his place upon the floor; which Mr. M. said he had ventured to do, although unprepared, and laboring under the disadvantage of having been unavoidably prevented from hearing a part of the argument of the gentleman from South Carolina. The opinion advanced by that gentleman was, that the President of the United States had a right to order the militia of the United States beyond the limits of the nation, for the purpose of foreign offensive hostilities. Had this singular sentiment been thrown out as a mere casual suggestion in the course of an animated debate, or proceeded from the wild and heated declamation of some of the actors on this floor, I would not, said Mr. M., have been at

all surprised. But, sir, I am alarmed by the respectability of the source from which this dangerous principle comes. It is given to us as the deliberate result of the reasonings of the cultivated and philosophical mind of a gentleman ranking high in the general estimation of his fellow members for political knowledge and personal integrity. It is propounded to us with great solemnity of language and of manner, and it is said to be supported by the sanction of Executive opinion. The President of the United States, we are told, feels no difficulty on the subject.

Mr. CHEVES said, that his allusion to the opinion of the President was not from any personal conversation with that gentleman; that it had been mentioned to him on the floor, and he merely gave it as he would that of any other gentleman well able to construe the Constitution.

Mr. MILNOR proceeded.—Putting out of the scale the weight of Presidential authority, that of the honorable gentleman himself, on a Constitutional question, is sufficient to induce an attentive examination of its soundness and propriety. It had been intimated by an honorable member from Kentucky, (Mr. JOHNSON,) that this discussion was irrelevant to the subject before the Committee. The suggestion was not very complimentary to the member by whom the subject was introduced. But, said Mr. M., I consider it all-important that the President, if this bill passes, should be under no mistake as to the views of this House, with respect to the employment of the forces placed under his direction, and especially of that part of them which consists of militia. I am, for one, not willing to confide wholly to the President the decision of this important question. I am not apt, Mr. Chairman, to sound alarms, but I have always thought there was great safety in constantly watching for the preservation of the great charter of our liberties, and in maintaining an extreme sensibility to the slightest proposed infraction of its valuable provisions. The gentleman from Virginia, (Mr. NELSON,) in his prefatory remarks, noticed the variety of opinion which has been entertained, as to the mode of construing the provisions of the Constitution, imputing to the Federalists a disposition to favor an enlarged construction, with a view to the increase of the powers of the General Government, and the contrary inclination to the party with which he generally acts. There are, certainly, extremes upon this as upon every other subject. It was manifested in the debate on the question of granting a charter to the Bank of the United States, where Congress refused to exercise a power, in my opinion, necessary for carrying into effect those expressly delegated. There may have been too much liberality of construction, on the other hand, sometimes applied. The true medium lies in not granting to the Government any powers but those expressly detailed in the Constitution, or unavoidably incident, and, in the language of the instrument itself, “necessary and proper for carrying into execution the powers vested by it in the Government of the United States, or in some department or officer thereof.” This is the prin-

ciple by which my construction will be guided. The power of sending the militia of the United States beyond their limits, results, we are told, from the sovereignty of the nation resting in the hands of the General Government. And my honorable friend from South Carolina has indulged us with a definition of *sovereignty*: “It is the right of disposing of the persons and property of the people.” Sir, I deny, that under this definition of the term *sovereignty*, it can, with any correctness, be applied to the General Government. The frame and texture of this Government are different from those of all other nations. The sovereignty rests here with the American people. If the doctrine of the popular political writers of Great Britain be true, that, even there, circumstances may occur to authorize the resumption of sovereignty by the people, it is still more clear, that, in this happy country, the people have never parted with it; but, having merely granted to their Government certain restricted powers, the remaining portion still rests with themselves. The powers referred to are limited and restricted, both with respect to their operation on the people and upon the governments of the particular States; and the peculiarity of the provisions of the Constitution imparting these powers, as well as the known jealousy as to their extent, which existed at the time of its adoption, clearly prove that the Convention never intended to bestow, by implication, upon the General Government, powers greater than those expressly given. In reference to the enormous one suggested by the gentleman from South Carolina, it is too much to suppose that that wise and patriotic body intended covertly to give an implied power, which, if only done, would have hazarded the adoption of their great work by the several States of the Union. Sir, I can scarcely think that the Federalists, who exerted themselves at that time of day in its favor, would have done so, had they believed it to include in its grant of powers the dangerous one contended for by the honorable member from South Carolina. Do I improperly term it a *dangerous power*? Is it too strong a term for a prerogative supposed to be vested in the President of sending the freemen of this country—as it was correctly stated by my honorable friend from Connecticut on Saturday—not only to the Northern and Southern limits of this Continent, but to any part of the immense regions of Europe, Asia, or Africa?

If, from the nature of our Government, founded as it is in compact, and restricted in the exercise of its power, both as regards the independence and rights of the State governments, and the liberties of the people, it be—as I contend it is—a violation of its principles to invest those who administer its concerns with powers not expressly granted, or necessary to carry into execution those that are, then it becomes us to examine the Constitution itself, to ascertain whether it contains any provision to which a construction favorable to this doctrine can fairly be given. On all subjects which actually engaged the attention of the Convention, on which they unquestionably deliberated and acted, and have given us the result of

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their deliberations, in terms clearly expressed in the Constitution itself, there is no room left for supposing an intention to grant implied powers, different in their nature, and more vast in their extent, than those they have detailed. It would be preposterous and absurd—a reflection both on their wisdom and patriotism—to indulge such a supposition. I do not, I repeat, now allude to such powers, as, in conducting the affairs of the Government, may frequently be required for executing those actually detailed, the exercise of which is expressly authorized by the clause in the Constitution already referred to.

The eighth section of the first article of the Constitution contains the enumerated powers of the General Government. The following clauses are those which relate to war, and to the employment of the several kinds of force placed in its hands:

“Congress shall have power to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

“To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;

“To provide and maintain a navy;

“To make rules for the government and regulation of the land and naval forces;

“To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

“To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress.”

And, for the purpose of governing the construction of these and the other express grants of power in the Constitution, and to guard against dangerous stretches of authority by the Government, the eleventh and twelfth articles of the amendments to that instrument provide:

“That the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people; and that

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

The mere exhibition of these clauses of the Constitution is a more forcible refutation of the doctrine than the most labored argument could furnish. Does not every one at once perceive the marked distinction between armies which Congress are invested with the power to raise, and militia governed, except when called into actual service, by the regulations of their own States?

The power to raise armies and to provide a navy immediately follows, and is closely connected with that of making war. This important subject being provided for, the militia—always regarded as a most essential safeguard of the nation—next claims the attention of that Convention. But, the wise statesmen and excellent men who composed that body did not go on to alarm the great body of the citizens with the prospect of being liable to be called beyond the limits of the United States, to assist the Government in the prosecu-

tion of a foreign war. On the contrary, they guard against such an apprehension by giving the Government authority to raise armies—to employ mercenaries to prosecute the war which they might declare. To the great body of effective citizens, constituting the militia of the several States, they assign appropriate and defined duties, manifestly intending to distinguish them—as in name, so in employment—from the other description of force. To the militia, are three important services only assigned—first, to execute the laws of the Union.

It was, no doubt, well considered to be more congenial to the nature of our free institutions, and to the character and feelings of our people, that if in any unhappy instance any portion of their people should be misled into hostility against the laws, the Government should call to its aid those who remain true to their duties, rather than resort to the aid of a mercenary army.

In the instances of opposition to the laws which occurred some years ago in the State which I have the honor to represent, the good effects of this salutary provision were manifest. To their fellow-citizens, arrayed on the side of order and government, the insurgents readily submitted, and the effusion of human blood was thereby prevented. This branch of employment, like that which follows it—the suppressing of insurrections—is in its nature wholly domestic; it gives employment to the militia only within the limits of the United States. The third and last duty imposed on this body, is “to repel invasions.” Can it be believed, Mr. Chairman, that, under the pretext of repelling invasions, it was intended to authorize this Government to send the militia in the pursuit of foreign conquest? Was there any such sentiment prevalent at the time the Constitution was adopted, or did any object of desire exist that could lead to the prospect of our being mad enough to go abroad after new acquisitions of territory, to be gained by force? We had not been very long dismembered from the British empire. Gentlemen will scarcely suppose, that, with such feelings as then pervaded the public mind, her example in seeking new conquests in all parts of the globe was about to be imitated in this new and rising and virtuous Republic. If the members of that Convention had been asked, Do you intend, that, under the mask of repelling invasion, the militia shall be marched to Canada and the walls of Quebec, what would they have answered?

Mr. CHEVES here said, that he did not contend that the power of marching the militia out of the United States was derived from the clause alluded to; but that the power to declare war being given to Congress, and being a most important attribute of sovereignty, the power for which he contended followed of course.

Mr. MILNOR proceeded.—Sir, I ask the honorable gentleman's pardon. I had understood him to argue, that, as in the performance of the acknowledged duty of repelling invasion, the passage of the militia beyond the frontiers of the United States might be unavoidable, the precise

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distance to which they might be led could not be fixed; and that, for the effectual obtainment of the object of repelling invasion, the militia might be carried to Quebec, and the conquest of the country ensue therefrom. It is probable I may only have heard the argument urged in private conversation.

The power contended for is, then, to be considered as a concomitant of the right to declare war. The error of this argument consists in the application of a principle to our Government wholly unfitted to it, when the manner of its formation, the nature of its provisions, and its practical operation, are considered. Our Government is founded on express compact; its nature is defined and fixed by a written instrument; and it cannot be made to bear upon the people or the States in any other manner than that originally prescribed. If the power to declare war had stood alone, it is not necessary to inquire how far it would have empowered the Government to extend the operations of the militia. But my honorable friend, who, like myself, has been conversant with studies connected with the legal profession, well knows the maxim constantly applied to the construction of statutes, as well as to the contracts of individuals: *Expressio unius est exclusio alterius*. Where the party is empowered to do certain specified things, it excludes the power to do other things affecting the interests of the other party to the contract. Sir, here is the contract, from which all your public authority is derived. The very subject about which we are differing is here provided for. The parties to this instrument, as to this object, have certainly left nothing to the dangerous experiment of construction and implication.

You may declare war—offensive war if you please, ungenial as it is with the sentiments and feelings of the American people. You may raise armies—you may, by the consent of the individuals, and of the State governments under which they reside, convert your volunteers into enlisted soldiers. You then make them, by their consent, part of your regular army. But until you do so by contract, and not by compulsion, the army, as to external offensive operations, must be considered a distinct body from the militia. There is great weight in the remarks of my friend from Connecticut, with respect to the restriction of two years imposed on Congress in appropriating money for the maintenance of an army. As to the regular troops no invasion of this important limitation can be made; but if the President possesses unbounded discretion as to the employment of the militia externally and internally, then Congress also are freed from the fetters of this wholesome provision, and money may be appropriated, not only for two, but for any number of years to maintain your militia sent out of the country by compulsion in pursuit of foreign conquest. Is the honorable gentleman aware of the immense danger of his doctrine? Upon the principle he contends for, the President and Congress may wield the whole mass of the militia, in any manner and for any time they

may think proper. Let me ask if this be not an important question—if there can arise one more important? In the establishment of the Federal Government, no doubt the people foresaw that occasions might arise when it would be necessary for them to fight *pro aris et focis*, when assailed by hostile opposition to the laws, by insurrection, by territorial invasion; but it was scarcely anticipated that a right would be claimed by our rulers to lay their hands upon our persons to force us into foreign war, and thus transform our mild and free Republic into the grossest tyranny. Sir, let the small States beware if this doctrine be true. They may easily be destroyed. Their militia called from their homes into foreign service, the liberty and the property of their citizens would be at the mercy of the Government. The exercise of this monstrous power would be without restriction or control. A Virginia President might spare the militia of his own State. If it pleased his fancy the militia of Vermont might be marched to a sultry southern climate, ungenial with their constitutions and habits, to make a conquest of the Floridas, while those to the southward might be sent on a wild-goose chase to the deserts of Nova Scotia. Let us at once exhibit a marked disapprobation of this alarming doctrine. We have hitherto manifested great forbearance and patience under the wrongs we have suffered from the two great belligerents of Europe. It has resulted from a fondness for peace, a hatred for war, and these sentiments have been attended by an utter aversion to the policy of making foreign conquests. If our principles on the latter topic are now to be abandoned, let the work be undertaken by an army of mercenaries. Let not the great body of our people be subjected to a military conscription for such a purpose. If they unite in the object, let it be willingly and not by compulsion. God forbid we should adopt any other plan!

This House will, I trust, crush in its first budding the monstrous principle to which I have given my feeble opposition. My honorable friend will, I hope, himself abandon it, and acknowledge that he has not, in this instance, applied his usual talents of investigation, nor foreseen the consequence of his doctrine. The people will at all events never submit to it. Pass your acts, but not a militiaman will march. The State governments will not permit you to force their citizens into a war of conquest and invasion, which will certainly array one part of your community against the other. I desire not to excite a spirit of hostility to the Government—but for one, I prize the enjoyment of Constitutional liberty too dearly to surrender it at the mandate of any Government—its unconstitutional invasion I would resist at the hazard of my fortune and my life.

Mr. Macon said, on this great Constitutional question, the best way of coming to a correct decision is for members to express their opinions freely upon it. According to the theory of our Government, Mr. M. observed, it required the State governments and the General Government to form the nation, and the two Governments

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ought to act in unison; they cannot work well in any other way. In some respects the Constitution guards the rights of each. When powers are given to the General Government by the Constitution they are expressly taken from the State governments. When the Constitution was adopted it was not adopted by the people in their national character, but in their character as States.

The Constitution gives to Congress the power to lay taxes of every description; and it takes away from the States the power to lay impost and tonnage duties; because, if not taken away, the right would have remained. So in respect to the power of making war, it is given to Congress, and taken from the States. And in some cases it gives the States a right to do certain things by consent of Congress.

It gives the power to Congress to make war, and to support armies, but not for a longer term than two years; but when it speaks of the militia there is no limitation as to them; because the power over them is left with the respective States, and Congress is only authorized to call them out for three purposes, viz: "to execute the laws, suppress insurrections, and repel invasions;" and to effect these purposes was not supposed to require an appropriation for more than two years. If the country was invaded, it was not meant that the militia alone should be relied upon to repel the invaders, but that they should be called out in aid of the army, or until the army could be collected for the purpose; so that there was no necessity for a limitation with respect to the militia.

Power is given to Congress to establish a navy; the States may also keep a navy by consent of Congress, but not without.

Congress have a right to govern the militia while in actual service, but at no other time.

Congress is forbidden from granting any titles of nobility; the States are forbidden also. Where the States are not to exercise a power, it is expressly taken away from them by the Constitution.

The President of the United States shall be Commander-in-Chief of the Army and Militia when called into actual service.

Congress may raise an army for a year or six months; but when raised it must be like every other army, go to its place of destination, and not to be scattered all over the country.

The question now occurs, whether the General or State Governments have the power to send the militia without the limits of the United States? He wished gentlemen, before he touched this part of the Constitution, to take a view of the States before the adoption of this Constitution, under the old Confederation. It will be recollected that the Southern militia was sent into Florida, and the Eastern into Canada, at the instance of the old Congress. And if the power has not been taken from the States, which no one would say it had, what can hinder the States from employing the militia in the same way now?

It appeared to be the opinion of some gentlemen that when the United States go to war the

Government has a right to use all the physical force of the nation in order to do her enemy all the injury she can.

The Constitution prohibits any State from engaging in war, unless actually invaded, or in such imminent danger as will not admit of delay; but if a State were to go to war, she would have a right to use her militia in any manner she pleased, in the same way that she would have done before the adoption of the Federal Constitution.

The United States Government and the State Governments acting in unison, must possess the whole sovereign power. The objection is, that Congress have the army given to them for the purpose of making war; but the militia is left in the power of the States for their defence. But if a State give her consent for her militia to be sent without the limits of the United States, what shall hinder them from engaging in any service in which the General Government may find it for the interest of the country to employ them? It was objected to this construction that the States might not agree to this course. But this kind of reasoning, on a discord existing between the General and State Governments, ought not to be countenanced. A nation, any more than a house divided against itself, cannot stand. It would be a new state thing for a State to commit treason against the General Government.

There is another part of the Constitution on which he would make a remark. It has been said that this Government is only intended for defence. He was willing to acknowledge this as a general principle; but there is a part of the Constitution, that, if it does not look towards conquest, he did not know what is its meaning. Indeed it had always been so considered by every man with whom he had acted in public life. And is it not recollected that, when we were deprived of the right of deposit at New Orleans almost every man believed that the United States might take New Orleans by force—might conquer it and keep possession of it? There was scarcely any difference of opinion on the subject. The clauses of the Constitution to which he alluded are in the following words:

"New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

"The Congress shall have power to dispose of and make all needful rules and regulations, respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State."

These clauses of the Constitution were no doubt intended to meet cases where new territory was acquired. Indeed there was an article in the ordinance of the old Confederation, which spoke more plainly, in which Canada is named. There is no doubt that this country was an object from the commencement of the Revolution, and was intended to be embraced under the new Government.

It appeared to him as if the framers of the Constitution were determined to leave no excuse for Territorial governments; they seem to say, if you acquire additional territory, you shall form it into a State or States, which shall possess equal rights with yourselves. They had seen some of the evils arising from provincial government.

Mr. M. said he was on the present occasion somewhat in the same situation as upon a late question; and, if he were to judge from present appearances, as he should probably be on all the bills making preparations for war. He was willing to vote for the bill as it stood at present; but he never would vote for anything which, in his opinion, infringed the Constitution. His opinions might be unpleasant to his friends, but he wished, above all, to have peace in his own breast.

If we go to war, England will drive us into it; and in that case he was willing to give the President as much of the physical force of the country as shall make the war efficient.

Mr. BACON said he should vote against striking out the first sections of this bill for the purpose of inserting those of the original bill. He was for retaining a militia volunteer force, not as the most effective force, because he was of opinion with the gentleman from North Carolina, (Mr. MACON,) that they could not be marched out of the United States without the consent of the States to which they respectively belong; but he should suppose there would be no difficulty in obtaining this consent. He should wish, however, that the bill might pass in such a form as that no one could be mistaken as to the purpose for which these volunteers were to be employed. He should view it as unfortunate if the bill passed in its present shape; for if, on his return home, one of his neighbors were to ask him whether volunteers under this act would be liable to be marched out of the country, he might say no; when some other gentleman, who was present at the passing of the bill, might say yes. This would leave people in a state of doubt and difficulty. He was in favor of the officers being appointed by the several States; because, if appointed by the President, it would be raising another army in a different form. The volunteers to be raised by this bill, will receive no pay until they are called into service. If this force, with the army already provided, should be deemed insufficient, he should have no objection to provide for another volunteer force, to be commissioned by the President.

If the present motion shall not succeed, Mr. B. expressed his intention of moving an amendment, providing "That this force shall not be marched out of the limits of the United States without the consent of the States to which they belong."

Mr. B. supposed there would be no difficulty in obtaining this consent. Many of the States had passed resolutions, offering their lives, fortunes, and honor, in support of their country; this application would serve to test the sincerity of these pledges, and he had no doubt the result would do credit to those who had made them.

Mr. PORTER said it was his wish, as he be-

lieved it to be the wish of gentlemen generally, that this force should be used efficiently against the British possessions. It was with this view that the bill was originally reported; but he perceived that some gentlemen would vote in favor of the original bill, and others in favor of the amended bill, so that it will be impossible to know their object. For the purpose of doing away this misunderstanding, he would, therefore, withdraw his amendment; and if this bill pass he would introduce another to raise a force which might be called out of the United States.

Mr. POINDESTER renewed the motion which he had made in Committee of the Whole, providing that the volunteers should sign an engagement to serve the United States, according to the provisions of this act, and when called into service, each volunteer shall be subject to the rules and articles of war, and be called into the service of the United States to any place without the jurisdiction thereof.

Mr. P., in supporting his motion, read an extract from the speech of George Mason, in the Virginia Convention, to show that the authority of the United States to send the militia from one State to another, was viewed with jealousy, and that the idea of sending them out of the United States, at that time, had never been entertained.

Mr. BACON was not convinced that the General Government had a right to send the militia out of the United States, without the consent of the State. The debate in the Virginia Convention, which had been cited, did not touch this question; it related only to the calling of the militia out of one State to another. With a view of bringing this question distinctly before the Committee, Mr. B. moved to add to this new section the following proviso:

"Provided, That no company, battalion, regiment, or brigade of such volunteers, shall be marched to any place out of the jurisdiction of the United States, without the previous consent of the State or Territory to which they may belong."

Mr. KEY said that the Constitution is a compact between the States and the General Government, and by the amendment to it which has been adopted, it is declared that what has not been granted by the States is retained by them or the people. By this instrument the power to raise armies, when the exigencies of the Government shall require it, is granted; and the militia are reserved to the States for their defence. No legislative act of Congress can confer, upon this Government, a greater power than the Constitution gives. The Government have no power to use the militia in any place exterior to the limits of the United States, nor in any part of the United States other than in the State to which the militia belong, except in the three cases mentioned in the Constitution, viz: "in repelling invasions," "suppressing insurrections," and "executing the laws." A commission given to a militia officer can have no validity without the United States, nor within the United States other than in the particular States, except in the three cases before mentioned; for instance, a person commissioned

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as a major, by the laws of Maryland, cannot act by virtue of that commission exterior to the limits of the United States, nor in any other State than the State of Maryland, except in "repelling invasions," "suppressing insurrections," and "executing the laws." This being the case, the amendment of the delegate from the Mississippi Territory, which goes to confer a power upon the President to order the militia differently from what the Constitution warrants, upon the militia stipulating to that effect, cannot alter the case. It is not in the power of the militia thus to confer their services, and thus deprive the State of them; nor can the amendment, proposed by the gentleman from Massachusetts (Mr. BACON) to the former amendment, vary the case—for an objection of equal weight occurs, which is, that it is not competent for the Legislature of any State to give such a consent, and thus deprive the citizens of such State of the protection and defence which is thus secured to them by the Constitution.

Mr. K. said he had understood that the delegate from the Mississippi Territory had read, from the debate in the Virginia Convention, the opinion of Mr. George Mason and others, to prove, that where the consent of the militia is obtained in the way now proposed, they might be sent without the limits of the Union. He asserted that there was no such question discussed in that Convention, nor did their debates show any such fact. The jealousy of those patriots was, that, in the cases mentioned in the Constitution, the militia might be called by the Government from any particular State to go into one very remote; as, for instance, from the State of Georgia to Vermont, and in consequence of being thus harassed and distressed, there might be danger of the people consenting to a constant standing army. This was what those patriots wished to guard against; and it was urged by them, that in such cases, the consent of the States to which the militia belonged should be first obtained.

He reprobated and remonstrated against the doctrine which had been advanced, that the President had the power, in case of foreign war, to order the militia to march without the United States. It is a doctrine which the people never have, and never will consent to. It ought to alarm every friend to the Constitution and the liberties of the people. What might be the consequence, with an ambitious, unprincipled Chief Magistrate? Congress have power to raise armies to carry on a foreign war; twenty-five thousand or fifty thousand regular troops are raised in consequence of such a war; according to the construction which has been given to the Constitution, the militia may be ordered by the President to go upon that foreign war, and the standing army may be kept and used for ambitious purposes, in the States from which the militia have gone. Where, then, would be your force to defend your liberties against this mercenary band, who should, under an unprincipled Chief Magistrate, attempt to destroy them? He said the doctrine was too monstrous to be endured.

If he distinctly heard the delegate from the Mississippi Territory, he also understood him to say, that it was conceded that a citizen of the United States might at any time expatriate himself, and enter into any foreign service; for instance, into the service of Great Britain, or the French Emperor, in a war against his own country. Mr. K. said he, *in toto*, denied that doctrine. The gentleman could not derive that opinion from any eminent writer, or from any decision of any court. No State had within his knowledge, by any act, implied such doctrine, without it was the State of Virginia. That State had prescribed the manner in which a citizen might expatriate himself. But by prescribing the mode in which it may be done, it demonstrates that upon general principles, a citizen has no right to expatriate himself. If the gentleman is right, in what cases may your citizens leave your country, and enter into the service of your enemy? Where is your line of distinction? Suppose you march your militia into Canada, as contemplated, and your militiaman should think that was a convenient time and opportunity to expatriate, and leave your service for that of your enemy—according to this doctrine, would he not have a right so to do? But do you imagine, if he was to be taken and brought before a court martial, that his exercise of this right would be a good defence?

Mr. K. said the cause of the difficulty which the House now experienced, was this: that a disguise and cover is thrown over the object of our present deliberations; the real object is kept from the people. He would not say that this is the intention of any gentleman in the House, but the mode of conducting this business has that effect. If the design is to carry on a foreign war, and the exigence of the country required an army of seventy or eighty thousand men, tell the people so, and they will be ready to give you the army; this you have the power and the right to demand of them. But they will and ought to insist upon reserving to themselves the militia, their own appropriate defence, which the Constitution, the sacred compact between you and them, has guaranteed for their benefit and protection.

Mr. RHEA observed that he would not undertake to show the relation which the doctrine of perpetual allegiance had to the bill to authorize the President to accept the service of a number of volunteers; but as that doctrine had been advanced, prior to this day, in this House, it may be proper to say something about it, for, if left unnoticed, it may be taken for granted—what will be said may have some bearing on the question under consideration in the manner it has been treated.

The doctrine of perpetual allegiance is an offspring of the once celebrated doctrine of the divine right of kings; a doctrine which the celebrated Filmer treated copiously of, about the time of the celebrated James the Sixth of Scotland, and First of England, who, not content with being King of England and Scotland, and in a manner arbiter of Europe, in the time of the Great Henry of France, desired also to be num-

bered among the most learned theologists, the most sublime poets, and great musicians of his age; for neither of which he was qualified by nature, and art could do but little for him. This doctrine of divine right of kings, and its offspring, perpetual allegiance, wonderfully flourished and produced abundance of sour fruit in his time and in that of his successors, until, in the time of the second James, the third William, at the memorable battle of the Boyne, by a powerful argument, directed to James in person, convinced him that the doctrine of the divine right of kings was not tenable; and, under that impressive conviction, James fled to France, and there remained reflecting on the loss of their kingdoms. The British Parliament, in the mean time, not believing the doctrine of the divine right of kings, enacted a law settling the crown of the three Kingdoms on William and his amiable consort, Mary, and thereby exploded that strange doctrine. The notion of perpetual allegiance ought to have shared the fate of its spurious parent; but it continued to answer political purposes, and for subject of discourse.

All the nations on this earth compose one family; sound reason and common sense declare that a man may transfer himself from the family of his parent to another family, and dwell therewith. A man being a citizen or subject of one Government, and not employed in the actual service thereof, has a natural and inalienable right to transfer himself from that Government or nation to another; to renounce and abjure all allegiance to the Government he came from; and to bind himself in fidelity and allegiance to, and to become a citizen of the nation of his choice, in pursuance of the laws of the Government thereof. If the doctrine of perpetual allegiance be true, what shall be said for, or in what condition are they who have emigrated from the British dominions to the United States since the Treaty of Peace? If this doctrine be true, they continue to be British subjects, notwithstanding they have been naturalized, and have bound themselves by solemn oath in allegiance to the United States. To which of the two nations or Governments do they belong? In this case there is no choice, and like all other claims, the eldest must take, if the doctrine alluded to be true. Are we prepared to surrender the principle and all the men alluded to? I, said Mr. R., am not; many of these men are well known to me—they are good citizens, and prepared to vindicate the rights of their adopted country. But this doctrine, together with its spurious parent, "the divine right of kings," is banished and driven from these United States. In the eighth section of the first article of the Constitution, it is provided that "Congress shall have power to establish a uniform rule of naturalization." This power denies perpetual allegiance—the principles of perpetual allegiance and naturalization are repugnant to, and inconsistent with each other; if one be right, the other is not. The Constitution of the United States is paramount, and the supreme law, and the highest authority, and commands all respect

and observance; it has humanely provided a resting place for the wearied and oppressed, and secures it to them, being naturalized.

The system for raising a force of volunteers, (taking into view the original bill, and the amendment offered by the Committee on Foreign Relations, and other propositions,) has assumed a peculiar form, and not being willing to sanction any principle which, in my humble opinion, will bear against the sovereignties of the individual States, I will vote, said Mr. R., against the amendments now offered. The Constitution acknowledges two species only of military force—the militia, and a regular army. The Constitution empowers the President, by and with the advice and consent of the Senate, to appoint and commission all officers of a regular army. To the States, respectively, is reserved the power of appointing and giving commissions to all officers of the militia. Where the Constitution has fixed this business, there let it remain. So long as it remains, the individual States, in their sovereign capacities, if they be true to themselves, have nothing to fear from the designs of any usurping military chief. If the President be authorized to accept the force in the manner contemplated, a direction to that force will be given. If the bill under consideration in the form it now has, shall become a law, and will not sufficiently answer the design originally intended by it, that defect can be remedied by a bill properly fitted and detailed for that purpose.

The question being taken on Mr. BACON'S amendment to the amendment, it was negatived, there being five votes only for it.

The question was then taken on the amendment, and negatived, there being only nine votes in favor of it.

Mr. PICKENS moved to strike out the first section of the bill, in order to insert the first section of the bill first reported; which motion was negatived, there being only ten votes for it.

The Committee then rose, reported the bill and amendments, and the House adjourned.

TUESDAY, January 14.

Mr. GHOLSON, from the Committee of Claims made a report on the petition of Peter Mills, referred to them the twenty-ninth of November last; which was concurred in by the House.

JUDGE TOULMIN.

Mr. JOHNSON and Mr. POINDEXTER presented sundry documents in refutation of the charges contained in the presentment by the Grand Jury of Baldwin county, in the Mississippi Territory, against Harry Toulmin; which were read, and ordered to be referred to the committee appointed, on the twenty-first ultimo, on the letter from Cowles Mead, Speaker of the House of Representatives of the Mississippi Territory, enclosing a copy of the above-mentioned presentment.

Mr. RHEA moved that the select committee, to whom was referred the presentment against Judge Toulmin, be discharged from a further consideration of the subject, as every member who had

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heard the representation read to the House this morning, must be convinced that the charges made against that gentleman were entirely without foundation; and that he had acted the part of an upright man.

Mr. POINDEXTER was of opinion that the charges brought against the Judge were not only unfounded, but that they proceeded from corruption; but he hoped the committee would not be discharged, as he had received a letter from the Judge, in which he says he shall be able to transmit such evidence as will convince every man that the charges have no foundation. He hoped, therefore, the papers would remain referred, that a report might be made upon the subject which would set the matter in a proper light to the world.

The motion to discharge the committee was negatived.

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The House then took up the order of the day on the bill for authorizing the President to accept of a volunteer corps.

Mr. GHOLSON felt great difficulty in deciding upon the bill before the Committee. He was concerned to be obliged to differ in opinion from gentlemen for whom he entertained the highest respect. He coincided in sentiment with the gentleman from Kentucky as to the efficiency of a volunteer army. No one had more confidence in volunteers than he should have. He believed it to be that description of force which might be most relied upon. But, in organizing this force, reference ought to be had to the object proposed to be accomplished by it, and it ought to be ascertained whether this force be equal to the attainment of it.

Can this force be employed against Canada, or in the reduction of Quebec? He could not say that it could, with confidence, because he felt a difficulty in deciding the question. He did not like, in the prosecution of so important an object, to employ means of doubtful construction. Would it not comport more with propriety, and the interest of the country, to employ a force against which no objection could be made, and respecting which no one could be mistaken? He thought it would.

It appeared to him that the General Government had power to call out the militia, in the three cases mentioned in the Constitution only; and no one can say this volunteer corps is a regular force, because its officers are to be appointed by the governments of the several States. It is, therefore, essentially a militia force, and cannot be employed beyond the limits of the United States. He had not, however, formed an opinion entirely satisfactory to himself; but he was inclined to believe this force could not be employed in a foreign war. If it can, the power must be derived constructively from some other clause of the Constitution.

Under the authority given to repel invasion, he supposed these volunteers might cross the boundary line in driving off an enemy who had invaded the country. But, it has been contended

by the gentleman from South Carolina (Mr. CHEVES) that the sovereign power given to Congress to declare war, includes in it the power of using the whole physical force of the Government for this purpose. But this is a doctrine of construction, and he well recollected the expression of a venerable gentleman, who now holds an eminent place in the courts of this country, that, "it was better not to execute a positive power given by the Constitution, than to force one of doubtful construction." The Bank of the United States had its origin in construction, and so had the alien and sedition laws; and if this doctrine of construction was to be extended, in the manner contended for, from the power given to Congress to make war, Congress would become omnipotent. There would be no limitation to its powers.

Mr. G. said, in construing the Constitution, we ought to examine its several parts, and not give one part of it a construction that will destroy other parts. Every part must have given to it its proper force and meaning, and no more. "Congress shall have power to raise and support armies." Where is the necessity, therefore, of resorting to construction for more power? If they have troops and money, these are sufficient for carrying on war.

But, it seems, we are to go to war, not with the means given to us by the Constitution, but by means of a volunteer force, a militia force, a State force, over which Congress has no proper control, except in certain specified cases. Indeed, if this corps were to be marched under the authority of Congress, the States would have the power of disbanding them whenever they thought proper, by revoking the commissions of their officers. This would place the United States in a situation which was never contemplated by the framers of the Constitution. They meant that Congress should make war with troops of their own raising, and which should be under the command of officers appointed by the Executive.

Mr. G. said he should vote for this bill, because, though he considered the force in the light of a militia force only, it would leave the whole of the army at liberty to march against the enemy. But he had no expectation that the additional troops would be raised in time. The first onset ought to be made with volunteers, to be seconded by the regular force of the country.

Mr. G. concluded with moving an amendment to strike out the second section of the bill.

The SPEAKER declared the amendment out of order, adding that the gentleman might come at his object by voting against the bill.

Mr. SMILIE agreed with the gentleman from Virginia in one thing, that this force must be relied on in the first instance, and he was, therefore, in favor of it. But the question is, now, whether we shall have a regular force of seventy-five thousand men, or if fifty thousand of them shall be volunteers? He had voted against the proposition for obtaining the consent of the States, because he did not wish the House to decide that question at present. But the gentleman from

Virginia says the States might withdraw these troops at a critical moment. Can the gentleman suppose such a state of things? Does he consider the nature of the Government under which we act? All power is in the people. We can neither raise men, nor go to war without their consent; and if it should ever happen that a war should be commenced contrary to the opinions of the State governments, or the people, it would have to be abandoned in disgrace.

MR. BLEECKER.—Mr. Speaker, I am prepared to vote for the bill on our table. As it is now framed, it seems to be wholly free from the Constitutional question which has been discussed here for some days. But as it appears from the observations just now made by the gentleman from Virginia, (Mr. GHOLSON,) that our votes on this bill will still have reference to that question; and as I do not perceive that they will show our individual impressions on a subject of so much importance and interest, I avail myself of this occasion, to express my disapprobation of the doctrine which has been maintained with great ability and ingenuity respecting the power of this Government over the militia—a power, utterly incompatible with the design and prominent features of the Constitution—a power, compared with which the horrors of the French conscription are mercy, and dreadful as the *levies en masse* of those whom we call tyrants of Europe. When the existence of such a power in the General Government is seriously contended for, and when it is stated on this floor that it is believed that the Chief Magistrate of the United States is of opinion that such a power is conferred by the Constitution, it certainly behooves us to express our sentiments respecting it.

When the gentleman from South Carolina, (Mr. CHEVES,) on Saturday, contended for this power, my faculties were for a moment confounded by the novelty and strangeness of the doctrine, the talent and ingenuity with which it was urged, and the high authority which was supposed to be in favor of it. The knowledge of the most familiar maxims, principles, and rules of construction failed me; and to discover whether I had completely misunderstood the provisions and character of the Constitution in relation to the point in question, I left the House during the debate to examine the valuable commentary on it, of which it has been justly and elegantly said that "it compresses the wisdom of ages, and pours original light on the science of government." But in the letters of *Publius* I could find nothing like this new exposition. After a little reflection, however, on what had been urged, no argument was left on my mind in support of this strange doctrine, but the argument *ad verecundiam*—and the authority and influence of name and talent.

I hardly know, sir, how to make an argument on such a subject. It is so plain to my mind, that, but for the singular skill and ingenuity of the gentleman, (Mr. CHEVES,) I should have supposed it utterly un susceptible of discussion.

But what is the ground on which he relies? He says Congress have the power to declare war;

that this power is national and sovereign in its nature, that it involves all the consequences of war, and the means of carrying it on.

Let us, for a moment, look at the Constitution. Is not its prominent feature a delegation by the States or by the people of specific powers to the General Government, for the purpose of effecting the ends and objects of the confederation? These powers are clearly and precisely defined. In relation to the subject before us, we have first, the power to declare war. And what does this confer? Surely, nothing more than the right to determine the question of war or peace. It was intended that this should be a matter of national concern, that no State should individually engage in war, but that a subject of such importance and general interest should belong to the Legislature of the Union. The terms of this grant of power do not include the means or mode of carrying on war. For this there are other distinct precise powers. They immediately follow the power to declare war. What are they?

To raise and support armies, &c;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces.

Next comes the power—

To provide for calling forth the militia, to execute the laws of the Union, suppress insurrections, and repel invasions.

The means of carrying on the war, are expressly and directly granted, and of consequence cannot be included in the power to declare war. This would be inconsistent with every rule of interpretation and the whole complexion of the Constitution. Why attempt to get anything by implication? Why resort to construction, where you have an express grant of power.

The only power granted with respect to the use you can make of the militia for warlike purposes is, to provide for calling them out to repel invasion. You have no powers, sir, but those delegated—all others are reserved to the people or the States. With respect to the militia, you have no power but to call them out to execute the laws of the Union, suppress insurrections, and repel invasions. You can command their services in no other cases, for you have no power but what is expressly granted. The right to use the militia, and to march them out of the United States for the purpose of active, offensive war, is not granted—therefore you have no such right. Can anything in the world be plainer? It requires no argument. He that runs may read it.

Reference has been made to the discussion on the question of the constitutionality of the Bank of the United States. That subject affords me an illustration of the subject now under debate, which, if it is understood, I think must be satisfactory. It was contended by the advocates of the Bank, that the Federal Government was sovereign as to all the objects for which it was instituted, and that a sovereign power includes a right to all the means applicable to the attainment of the ends for which the power was given. The Bank was supposed to be one of these means. But, sir, suppose that

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among the powers of Congress enumerated in the Constitution, there had been a power to incorporate a bank for a specific and limited purpose, would Congress have had the power to institute a bank for any other purpose than that specified? Certainly not, sir; there could have been no debate about such a question. The case supposed and the one before us are perfectly parallel. Congress would have had power to incorporate a bank for the specific purpose, but could not have established any other bank, for any other purpose, or with a sphere of operation different from that prescribed. So here, they can require the service of the militia in the three specified cases, and in no other.

But another consideration is pressed with great confidence. It is said that the power given to Congress by the Constitution, "to provide for calling out the militia to execute the laws of the Union, suppress insurrections, and repel invasions," has reference to a state of peace; that the invasion of our territory does not necessarily suppose a state of war, and that writers on national and public law speak of invasion as an event distinct from war. I have not had an opportunity to examine books on the subject; but to me, invasion, the term used in the Constitution, is a plain English word. It is possible that a hostile incursion on our territory may not always amount to or be coincident with a state of war; but invasion must in most instances amount to war. Is it not in itself in almost every instance a positive unequivocal act of war? It is not, however, enough for the honorable gentleman to show that invasion may exist without war. To bear him out in this part of his argument, he must satisfy us that invasion is necessarily and always an event distinct from war; for if it may be coincident with war, if it can in any case be itself an act of war, then the Constitution has provided that in *that* event of a war the militia may be called out; and having provided for that particular case, Congress can have no right to call them out for any other warlike purpose. This part of the argument on the other side, therefore wholly fails.

The power contended for, is certainly inconsistent with the design of the framers of the Constitution. It was intended that the States should reserve to themselves (except in the three cases specified) the militia, as their own peculiar military force. This was wise; and it is happy for us that the Constitution is so framed. A regular army alone is fit for active offensive war. The militia may be useful in repelling sudden invasions; they may be the best force for suppressing insurrections, and enforcing the execution of the laws, because they are less odious to the people than regular troops. But, sir, it would be extremely inconvenient, as well as incompatible with the principles of the Constitution, that the General Government should carry on war by means of the militia. The commissions of the officers depend on State authority—they may expire to-day or to-morrow—you know not when; and when you were out on an important expedition with your militia army, the authority of its officers might

cease. There is another objection—the Constitution provides, that all officers who serve the United States, (except in the three cases in which the militia may be called out,) shall be appointed by the President and Senate; but if the exposition now urged be just, and the militia may be used for the purpose of offensive war, the United States would have officers in their service, in their wars, not appointed by the authority to which the Constitution has given the right of appointment. It was wisely provided that the President and Senate should be responsible for the character and qualifications of the officers of the United States. But, sir, the construction now set up, would, in this respect, defeat this wholesome provision. This construction, sir, is to me entirely new. The opponents of the Constitution were alarmed by the power enabling Congress to call out the militia, for the purposes mentioned in the Constitution. They complained that it was very hard that Congress should have the power to order the militia from one extremity of the Union to the other, to execute the laws or suppress insurrections. But, I believe that not the least hint of the power to call them out for the purpose of offensive or foreign war, can be found in any of the debates or political writings which the Constitution occasioned.

I was much instructed yesterday by the judicious observations made on this subject by the gentleman from North Carolina, (Mr. MACON.) He supposes, if I understand him correctly, that the United States may obtain the service of the militia by an agreement with the States. He says that the States on entering into the confederacy surrendered no powers but those expressly granted to the General Government. Before the confederation, they had the right to use the militia as they pleased; and therefore the honorable gentleman suggests that the States may now combine with the United States in carrying on a war, and, by a compact between them, the militia may serve in the war. This, sir, may be so. I will, however, submit, whether the existence of the States in their political capacity, can be recognised at all for any of the purposes of war. Are they not in that respect annihilated.

There was, Mr. Speaker, another bill on our table, by which a volunteer corps was to be raised, whose officers were to be appointed by the President. The gentleman from South Carolina (Mr. CHEVES) seemed to think that bill unconstitutional, and read from Judge Tucker's Notes on Blackstone's Commentaries, an opinion by which a similar law passed in 1798, is pronounced a violation of the Constitution. I may err, sir, for I am sensible of the value of Judge Tucker's Commentary to the American lawyer and statesman, but I must be permitted to think such a law perfectly Constitutional; as the troops raised by it would be officered by the President, they would be part of the regular army. This note of Judge Tucker was probably written hastily, and without much consideration. The volunteer corps contemplated by the present bill, however, will be a mere militia. As such, I vote for it.

Mr. RODMAN moved to amend the bill, by adding the word *militia*, so as to read *volunteer militia force*.

Mr. FINDLEY.—Mr. Speaker: I am opposed to the motion of my colleague, (Mr. RODMAN,) to insert the term *militia* into this bill. It is not used in either the bill or in the title by the Committee of Foreign Relations, nor ought it to be introduced. The militia, under different names in different countries, are such inhabitants as are always obliged, for the general protection, to obey the call of the Government made according to law, or to be punished for not doing so. They do not serve as volunteers, but are under an indispensable obligation. This principle arises from the law of nature, under which it is every man's duty to protect himself; on entering into political society, he has a right to the protection of the society. To contribute to this protection, every member of the society is under a moral obligation to do it in the manner prescribed by law. This law constitutes what in this country and in Britain is called a militia, in France a conscription, and in other nations by other names; but in all nations, it is totally distinct from volunteers. All men who enlist of their own free will into a regular army, are volunteers in doing so. In Britain, it is volunteers that are by the recruiting officers invited at the drum-head to enlist. The only difference between the regular army directed to be raised, and the volunteers proposed in the bill, is the difference in the terms on, and time for, which they engage; but when they are called into service agreeable to their voluntary engagements, they are both qualified for every purpose of war, and they are equally distinct from militia.

Mr. Speaker, I had made up my mind to vote for the bill, though I would have preferred that which has been laid aside as the simple and best suited to the object proposed. Presuming that the choice of their own officers is a characteristic difference between the volunteers and the enlisted regiments, the signing of commissions is little more than matter of form, but a necessary form; if it even answered no other purpose, it is necessary to procure suitable treatment and exchange to such officers as may have the misfortune to be taken; and even for this purpose, their being signed by the President would be most convenient; but, whether the officers be commissioned by the President or the States, as soon as the volunteers bring themselves under the engagements proposed in the bill, they are no longer a militia, but are as much qualified for the service so much spoken of, as the regular troops. It is with this view that I will vote for the bill. So many doubts have been started on the floor of the power of Congress to employ the militia out of the Territories of the United States, that it may be improper to attempt it. Admitting as an amendment the term "*militia*," could not make the volunteers, when engaged, to be such. The militia, as defined by the militia law, still remain liable to the call of the United States, or of the individual States, either in classes or in mass, as occasion may require. The volunteers pro-

posed by the bill, I take to be intended to aid the more permanent army, or to supply the want of it for internal defence, or offensive operations, as the case may require. Their voluntary engagement distinguishes them from the militia, but does not divest them of their patriotism.

Mr. WILSON observed, that it is the duty of the President to communicate, from time to time, to Congress, such measures as he shall judge necessary and expedient; and at the opening of the present session, he had recommended to Congress to put the nation into a warlike attitude; to fill up the present militia establishment; to raise ten thousand additional troops. Congress has not only filled up the old establishment, but raised twenty-five thousand additional men. He believed the bill before the House necessary, as it will be a means of bringing forward men from the militia who can most conveniently leave their homes; no doubt they will be considered as volunteers for the internal defence of the country, under the provision of the Constitution.

He should be alarmed at the idea of raising a regular force of eighty-five thousand men, when the Executive had only asked for ten thousand. The House was told the spirit of the nation was up. He believed the people wished the country to be put in a posture of defence—in a situation prepared for war. He should have been willing to vote for raising ten thousand additional troops, though he voted against twenty-five thousand; and he certainly should not now think of adding fifty thousand more to those already granted; and if the appointment of the officers were to be placed in the President, these volunteers would be nothing different from regulars, except as to the term of service; and if the bill were to be passed in this form, the volunteers would not be got; the men would be willing to engage to execute the laws, suppress insurrections, and repel invasions, but not in a foreign conquest.

Respecting the right of the General Government to send these volunteers out of the United States, under the bill as it now stands, the question had been so fully discussed that it was unnecessary to add another word to what had been said. It was, to him, a perfectly new idea that Congress had any such power; and it was an idea which he could not believe had the least foundation in the Constitution.

Mr. RODMAN's amendment was negatived.

Mr. BACON moved that the word "*fifty*" be struck out of the bill, and "*twenty*" inserted in its place. He was of opinion with those gentlemen who consider this force as a militia force, and competent for domestic purposes only, such as are mentioned in the Constitution. He thought twenty thousand men of this description would be sufficient for acting on the seaboard, manning fortifications, or repelling any incursions which may be made into the country. Should this motion be agreed to, and the bill become a law, he would bring in another bill for raising a volunteer force of a description calculated for the object which all wished to be effected. If the present amendment was agreed to, he would propose

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another in the third section, providing that this force shall not be marched out of the jurisdiction of the United States.

Mr. SMILIE hoped the amendment would not prevail. He wished the bill might pass without amendment. He thought the regular force already voted was larger than could be raised. He hoped the House would not add any more to them.

Mr. NELSON hoped the motion of the gentleman from Massachusetts would not be agreed to. If any man will turn his eyes to the map of the United States, and observe the extensiveness of our frontier, he will be satisfied that twenty thousand men would be an inadequate force for the purpose of guarding it. Instead of reducing the number of volunteers, he had rather the number should be one hundred thousand than fifty thousand.

The amendment proposed to the third section of the bill would be objectionable, on the ground of its interfering with a power belonging to the Executive, as Commander-in-Chief, of directing the employment of these volunteers as he shall deem proper.

Mr. GRUNDY thought it better to reduce the number of men to be raised by this bill to that which would be sufficient for internal purposes. He was of opinion with those who considered the militia as the shield of the several States; and the army as the instrument with which to carry on war. If, said he, more men are appropriated to internal defence than are necessary, it will be taking so many from the effective force intended to be raised by another bill to go against Canada. He was clearly in favor of volunteers for both these objects.

The gentleman from Pennsylvania says, he will rely on the fifty thousand volunteers proposed to be raised by the bill as it now stands. If he could show that these men, or any part of them, could be sent to Canada, he would rely upon them too; but if this could not be shown, he could not rely upon them. He was, therefore, for raising two descriptions of volunteers, one for internal defence, and the other for going against the British provinces. He was not afraid of this regular force; they were to be engaged for a short period only, and when that expired, they would return home. Mr. G. read some extracts from the speech of Colonel George Nicholas, in the Virginia Convention, in support of what he had advanced.

Mr. RANDOLPH wished to say a few words. He trusted the very few observations which he had to make, and which would not have been made but for some remarks which had fallen from the gentleman from Tennessee, would not subject him to any charge of wishing to obstruct the public business. After having debated five days on the proposition of the Committee of Foreign Relations, he had thought, when the vote was taken yesterday, that the ground of debate was settled; but he saw, to his great surprise, without any object or foundation, the debate still going on to-day in the same round.

I see, too, said he, a disposition to diminish the true defensive force of the States—to cut it down, to whittle it away, so soon as it is discovered that it cannot be used for purposes of aggrandizement and ambition. Gentlemen are willing to diminish as much as you please the national force, while embodied as militia, to give nourishment to the standing army; to diminish as much as possible the defence of the States, in order to make their attack on the British provinces; but we are to rely upon twenty thousand militia only, scattered over our vast frontier, for protection at home.

Shall we be told, that whilst this House is ready to vote one hundred thousand men to go against a foreign province, they will be satisfied with twenty thousand men for our defence? He would not even so much as insinuate that the local situation of the gentleman from Tennessee, far removed as he is from the seacoast, had any influence upon his opinion in this case.

He had thought from the argument of the gentleman from Tennessee, who agreed with him that these volunteers will be a militia force, that he would have been for increasing, rather than diminishing its amount. He had no doubt any number of men would be found ready to defend their native soil, though not disposed to go on a windmill quixotic expedition to Quebec.

Mr. R. would tell the gentleman from Tennessee, that before he gets his volunteers ready to march to Canada—for God knows they have had warning enough—Great Britain may have sent out a fleet with 5,000 men to Halifax, who may, in five days, reach some of the most vulnerable parts of our country, at the mouth of the Hudson, Delaware, or Chesapeake, and do us incalculable mischief. Mr. R. said the President would not dare, because it would violate his duty to the nation over which he presides, to send out a militia force to invade Canada.

What! send out an army to invade a barren, frozen wilderness—a country—so help me God! (exclaimed Mr. R.,) which, if the British Minister would make me a present of, I would not accept.

He knew that through the influence of the public prints, and all those arts by which the public mind is wrought upon, an effervescence had been produced throughout the country in favor of war measures, and which was ready to fix an odium on all those who are unwilling that the good people of these United States should be involved in a war for the purpose of getting possession of a wretched territory, filled with Tories and refugees, who would prove a curse to the Union, by bringing new forces and allies to that party which is known by the name of the Essex Junto.

There may be a few persons, said Mr. R., who, from the madness of the times, may be willing to embark in this business; but he trusted when the virtue and good sense of the people came to reflect upon the subject, that this war-fever would subside. He would venture to predict that in six months the whole would vanish.

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Mr. R. was surprised at the process which this bill had gone through. When he heard of so many references to the Constitution and other authorities, it had the appearance of an attempt to find a flaw in an indictment, or, for a high fee, of a set of lawyers endeavoring to pick a hole in some honest man's will.

He had hoped we should have had other expositions of national law than such as had gone forth. He concurred in opinion with those gentlemen who consider the militia as the true defence of the respective States and the people, not only against foreign invasions, but against the usurpations of the General Government. That the militia could be sent out of the limits of the United States, to make war, never entered into the minds of George Mason, Patrick Henry, James Madison, nor into the mind of any other eminent friend or enemy of the Constitution.

If the doctrine of the gentleman from South Carolina (Mr. CHEVES) were to be acted upon, and the best part of the militia were to be carried out of the United States, those that were left might not be able to stand against any aspiring chief who might arise out of a standing army; and our Government, which has in it a constant tendency towards hereditary monarchy, or rather absolute despotism, might thus be crushed and overturned. This, said Mr. R., proves the natural death of every Government. Ambition may be kept down for a while by the throne being occupied by a King Log or a King Stork; but make a military despot, and you have no countervailing force. You slumber on the calm of despotism. Create a Government how you will, a wise man has said, some artful men will uniformly obtain the direction of it, and perpetuate it to themselves and their families. And there exists in this Government, as there existed in the Consular Government of Rome, and the popular Government of Athens, a predisposition to change its nature; and it is only by a salutary check that liberty can be perpetuated. What is this check? Is it paper? No; it is power; the only thing which can qualify it. You may cover whole skins of parchment with limitations, but power alone can limit power.

Mr. R. said, that the great and good man on whom the destinies of this country depended more than upon any other, never thought of this power of sending the militia out of the country. This question was never started in his time. And he desired gentlemen to look again through the volume which had been introduced, of the Debates in the Virginia Convention on the Constitution, and they would find nothing said of this nondescript *tertium quid* kind of force of volunteers officered by the President of the United States. The Constitution knows only two kinds of force—an army and a militia.

We know what armies are. We know that this volunteer corps, which is wished by the gentleman from Tennessee to be sent out of the United States, cannot be considered in the light of a regular army. Public jealousy would not be excited in the same degree, in respect to it. It

would remain among us without any distrust, like so many spies upon the whole country, until the Presidential fiat should call them forth like the men of Cadmus.

The bill provides that the service of these volunteers may be accepted in companies and brigades, so that some of the States may be deprived of their natural defence. He would name the State of Delaware, for instance. No State would be more exposed to be depredated upon, than the gallant little State of Delaware. Suppose this State should make a tender of ten, or twenty thousand men; and whilst they are marching in search of foreign conquest, their own houses should be burnt over the heads of their wives and children! Would this be borne?

But, perhaps, it will be said that the President of the United States would have the prudence not to accept of the service of so many men from one State—that he will make a judicious selection. It is here that the cloven foot of this monstrous, this anomalous, nondescript force, begins to show itself. It gives to the President of the United States the power to rally around his person an effective disciplined force, commanded by officers particularly attached to his person, to the amount of thirty thousand men, drawn from different parts of the Union. Could a project be devised better calculated to enable an aspiring, ambitious President, to overturn the Constitution of this country? Is it not the same kind of force that Aaron Burr (he asked pardon for mentioning his name, for misfortune is entitled to respect) employed—mercenaries, who hired themselves for a few dollars or noggins of gin, to execute the orders of their chief! If he were, however, to have a master, it mattered little to him who he was. Figure to yourselves, said Mr. R., in place of the present Chief Magistrate, an ardent, aspiring, ambitious character in the Presidential chair, with a Swartwout or a Bollman for his military chief; he asked whether the liberties of the country, in such a situation, would be safe? They certainly would not. He would sooner give the Government twenty-five thousand more regulars, than the nondescript force proposed.

We held up our hands against the principle of raising armies in former times. We had not then construed the Constitution to our own purpose. This force is precisely of that kind of which a President of the description which he had mentioned would wish to be possessed; and if it be thought impossible that such a character should ever get to the chair, we must have given up all our views of human nature. Such a man, with such a force, would find no difficulty of turning you out of this Hall and fixing his heel upon your neck. And the Commander-in-Chief of such an army, must be a greater bungler than any man ought to be, less versed in political and military tactics than can well be supposed, if he does not conclude his Canadian campaign by stepping into yonder house. [Pointing to the residence of the President.]

Mr. R. said he had examined, with some attention, the opinions expressed by gentlemen on both

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sides of the question in the Virginia Convention. He found not only no trace of the power lately attempted to be set up in this House, but he found similar fears expressed to those which he entertained of a standing force and a military chief. [Mr. R. quoted the sentiments of Mr. George Mason and others, delivered in the Virginia Convention, on the Constitution, in confirmation of what he had advanced; and concluded, with a hope that the amendment of the gentleman from Massachusetts would not prevail.]

Mr. BACON proposed to vary his motion from twenty to twenty-five thousand men. As it was only three days since the House had passed a law for raising twenty-five thousand regular troops, he hoped they should not so soon have been engaged in any plan for putting them down. When we shall have no further occasion for them, a vote of Congress can put them down, in the same way that they were raised. He wished the present force, to aid the army in the internal defence of the country.

Mr. WIDGERY was opposed to this amendment. It was with reluctance that he at any time disagreed with his colleague; but there is no man who does not sometimes get wrong.

If the gentleman had considered that we have a seacoast of nearly two thousand miles, he would scarcely have wished to reduce the number of these volunteers; and why should they be reduced? They will be no expense until they are embodied for service, and it may be necessary, if we go to war, to repel invasion at points which we do not now think of. But the gentleman from Virginia (Mr. RANDOLPH) is afraid our small army should overturn the Government; the gentleman surely does not recollect that we have a militia of between seven and eight thousand men, or he would lay aside his fears on this head. It was idle to talk in this way.

Mr. NELSON said, if we proceeded in this way, endeavoring to raise spectres from the vasty deep, there would be no end to the present discussion. It was his wish to put the nation in armor; and he was sorry that, after having been ten weeks in session, a motion should now be made to reduce the number of volunteers proposed to be raised by this bill, from fifty thousand to twenty-five thousand. Another provision was intended to locate the employment of this force. Mr. N. was opposed to giving this bill the form of a militia bill. He wished to put the nation in a posture of defence—to put on strong armor. He did not wish to prescribe the manner in which these troops shall be used; because the Constitution has placed this power in other hands. It is the province of the Commander-in-Chief to employ this force as he thinks proper, under his Constitutional responsibility. When the question of war shall come before the House, it would be necessary to determine upon the particular measures to be pursued; but, until that question was before him, he should pledge himself to no particular course. He would look the demon in the face before he came to grapple with him.

He had said, that it was his object to put the

nation in armor; and therefore he wished to give the Government an adequate force. He was unwilling to call this force a militia, because he considered the militia to be a force which cannot be sent without the United States; it can be employed only for the purpose prescribed in the Constitution. He was one of those who deemed the militia to be the bulwark of the States, and he should never be willing to surrender what he considered as a State right. He considered the militia as intended to maintain the sovereignty of the States, not only against the encroachments of any foreign Power, but, if such should ever unhappily arise, against the usurpation of the General Government. It was unnecessary to enter into arguments in support of this opinion, as it had already been made sufficiently clear. He would add only one reason to those already stated.

If the argument of the gentleman from South Carolina were correct, that the power to raise and employ armies, carries with it all the necessary powers to carry that general power into effect, it would indeed be of vast magnitude. Let us look into the sovereign power in other countries. In Great Britain, all the rights of the people are ceded from the Crown. It will be recollected that the Barons obtained from King John the great Magna Charta, and afterwards the Bill of Rights. The people of that country, then, have no rights but such as are yielded to them. Not so with us. All the power which our Governments possess is derived from the people, who are the fountain of power. The people here make the Government, and not the Government the people. They made both the General and State Governments, and gave to each such power as they judged proper.

Mr. N. thought a plain line of demarkation in respect to the powers of Congress, was to be found in the 8th section of the 1st article of the Constitution: "Congress is to raise and support armies." He acknowledged this to be a sovereign power; but if there had been no limitation in respect to this power in the Constitution, he should have contended that Congress under this grant could not have exercised the same power over the militia that is here given them over the army; as all power must be expressly given, otherwise it is retained by the States, or the people. But the matter is put beyond doubt, by the clause which limits the use of the militia to "executing the laws of the Union, suppressing insurrections, and repelling invasions."

Congress is thus controlled in the exercise of the power given them to raise and support armies; and the limitation of that power implied a substantive grant of power in respect to the militia, without limitation.

Mr. N. said he had been branded as lukewarm in this business of putting the nation in a warlike attitude; but without cause, for he was decidedly in favor of taking every necessary step for this purpose. He considered the fifty thousand volunteers proposed to be raised by this bill as an effective force; and the more so, as it will doubtless be carried almost unanimously.

It was to be regretted that it had gone abroad

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that we are a divided people—that there are citizens among us hostile to the Government. He did not believe this to be correct. The opinion was fostered by those who wished it to be true; but the report had no foundation in fact. He wished it dissipated.

Mr. N. disliked standing armies as much as any one; and wished to avoid any measures which might in any way jeopardize our liberties. If the course which the nation is now about to assume, had been taken years ago, our present calamities might have been avoided. He did not believe that the regular force proposed to be raised, would be got in time. He believed the volunteers contemplated in this bill would come forward not only as militiamen, but as regulars, and he considered them as less dangerous in this character than the standing troops. They will consist of the yeomanry, or the sons of the yeomanry of the country, whose rights and duties cannot be separated from those of their fellow-citizens; they leave their homes at the call of their country; they do not take up the profession of soldiers for a subsistence, and do not remain long enough in the ranks to forget their wives and children; and when their services expire they will return to their own firesides with the same principles and feelings with which they leave them, ready to defend their respective States, with the arms which they have obtained in the service.

Mr. N. considered volunteer militia as another object. If the President were to call out these volunteers, it would put it out of the power of the State to interfere with them. He had formed an opinion that the bill which originally came from the Committee of Foreign Relations would be most effectual; the force would be less dangerous than an army, and more effective than militia. This is the kind of armor with which he wished to clothe the nation. He had made these remarks, to the end that the House might reject the proposed amendment, with a view of afterwards making these volunteers the effective force so much to be desired.

Mr. PORTER said the proposed amendment of the gentleman from Massachusetts put the subject in a new point of view. In order to enable gentlemen to act in concert, and to afford an opportunity to such gentlemen as might still wish to deliver their sentiments on the occasion, he moved an adjournment.

The motion was negatived, 86 to 11.

After a few observations from Mr. BIGELOW, in favor of retaining the militia principle in the bill, he again moved that the House adjourn.

The motion was again lost 44 to 38.

The question on Mr. BACON'S amendment was then put and negatived—yeas 11, nays 85, as follows:

YEAS—Ezekiel Bacon, William W. Bibb, William Findley, James Fisk, Thomas Gholson, Felix Grundy, William R. King, Joseph Lewis, jun., Israel Pickens, Peter B. Porter, and William Strong.

NAYS—Willis Alston, junior, William Anderson, Stevenson Archer, John Baker, David Bard, Josiah Bartlett, Burwell Bassett, Abijah Bigelow, William

Blackledge, Harmanus Bleecker, Thomas Blount, Adam Boyd, James Breckenridge, Robert Brown, Wm. A. Burwell, William Butler, John C. Calhoun, Matthew Clay, James Cochran, John Clopton, Lewis Condit, William Crawford, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, Meshack Franklin, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, Philip B. Key, Abner Lacock, Joseph Lefever, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Alexander McKim, Arunah Metcalf, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, William Piper, Benjamin Pond, John Randolph, William Reed, Samuel Ringgold, Jno. Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, John Smilie, Geo. Smith, John Smith, Richard Stanford, John Taliaferro, Uri Tracy, Charles Turner, jr., Laban Wheaton, Leonard White, Robert Whitehill, David R. Williams, William Widgery, Thomas Wilson, and Robert Wright.

The question was then taken on concurring with the Committee of the Whole on the amendments reported, which was carried by a large majority. It being late, the House adjourned without taking a question on the bill's being engrossed for a third reading.

WEDNESDAY, January 15.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill to amend the laws within the District of Columbia; which was read twice and committed to a Committee of the whole House on Monday next.

IMPRESSMENT OF AMERICAN SEAMEN.

Mr. CONDIT understood a gentleman as saying, in the course of the debate which had lately taken place, when speaking of the impressment of our seamen by the British vessels of war, that had not our Government asked too much they might have obtained redress. He therefore moved the following resolution, in order to get some information on the subject:

“Resolved, That the President of the United States be requested to furnish this House with copies of the instructions heretofore given to our Minister at London, on the subject of the impressment of American seamen into the naval service of Great Britain, excepting so much as it may be improper to disclose, on account of any pending negotiation.”

Mr. NEWTON saw no necessity for this resolution, as he believed all the information which the Executive possessed on this subject, had been laid before Congress and printed. He would mention one circumstance to show that the pretence which Great Britain makes for the impressment of our seamen is without foundation. Our right to naturalize foreigners is established by our Constitution; and if a late publication of that country, “Abbott on Shipping,” be referred to, it will appear, that any foreigner who shall remain in the British navy three years, or marry a wife in Eng-

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land, shall become a subject of that country; so that while they make subjects of our citizens, they deny us the rights of making citizens of their subjects.—Ordered to lie on the table.

VOLUNTEER CORPS.

The House resumed the consideration of the bill to authorize the President of the United States to accept and organize certain volunteer military corps; and the question recurring on engrossing the bill for a third reading.

Mr. BIGELOW observed, that when he rose yesterday, it was at so late an hour, that he felt unwilling to detain the House by stating in full his objections to the constitutionality of the bill. He would now ask the indulgence of the House while he stated them more distinctly. He regretted that he was not better prepared; that he had not had more time to examine the subject in a point of view which had but recently occurred to his mind.

His objections, he said, were to that part of the bill, which provides, "That where any company, battalion, regiment, brigade, or division of militia already organized, shall tender their voluntary service to the United States, such company, battalion, regiment, brigade, or division, shall continue to be commanded by the officers holding commissions in the same;" that is to say, they shall act under State commissions.

By the Constitution, he said, but two descriptions of force are contemplated. It speaks of two only. One is an army, or regular force, which is the only proper force of the United States, which force the Constitution authorizes Congress to raise when necessary. The other is the militia of the several States, not of the United States. There is no such force as the militia of the United States; they are the militia of the States to which they respectively belong. As proof of this, he read that clause in the Constitution, which says, "The President shall be commander-in-chief of the army and navy of the United States and of the militia of the several States, when called into the actual service of the United States." Thus, said he, the militia are by the Constitution emphatically recognised as the militia of the several States.

The troops, or, as they are termed, the volunteers, contemplated to be raised by this bill, must come within one of the above description of forces. They must either be part of the army of the United States, or of the militia of the several States, or they are not a description of force authorized by the Constitution.

Are they, then, an army or regular force of the United States? He trusted no gentleman would contend that a company, battalion, regiment, &c., commanded by officers holding State commissions, were a regular force of the United States. If they come within either of the descriptions, they must be considered as belonging to the militia of the several States, and, until called into actual service, under the command of the Executives of the States to which they respectively belong. Considering them, then, as militia, the

question is, can Congress, by law, constitutionally authorize a company, battalion, regiment, brigade, or division of State militia, under the command of the Governor of the State to which they belong, without first applying to him, to transfer themselves from his command, and without his order or consent, and put themselves under the command of the President? He thought not. You may as well designate a particular company, regiment, &c., of State militia by name. You may as well, for instance, authorize the President to call into the service of the United States, the first brigade of the militia of Massachusetts, without the orders or consent of their commander-in-chief, the Governor of the Commonwealth. This bill, if passed as it now is, destroys all military order and subordination. A colonel of a regiment might as well issue his orders to the lieutenant, instead of the captain of a company.

He observed that he had heard it stated as a fact, that the Secretary of War, in a late case, issued general orders to an inferior officer of the army, and that officer, for communicating them, without consulting his superior officer, was arrested, and if the fact were so, very properly arrested.

These principles, he said, were recognised by Congress in 1797 and 1798. In the act of June 24, 1797, authorizing a detachment of the militia from the several States, the President was empowered to authorize the Executives of the several States, if they judged it expedient, to accept as part of the quota of the State, any independent corps of cavalry, artillery, or infantry, who might volunteer their services. The Congress of that day did not think of calling out the militia of the several States, but through the medium of the Executives thereof, who, by the constitutions of the several States, are their commanders-in-chief, until they are called into the actual service of the United States. By the act of May 28, 1798, for raising a provisional army, the President was authorized, in addition to the 10,000 troops to be raised by that act, in the event of a declaration of war against the United States, or of actual invasion of their territory by a foreign Power, or of imminent danger of such invasion discovered in his opinion to exist, to accept of any company or companies of volunteers, either of artillery, cavalry, or infantry, and whose commissioned officers the President was authorized to appoint.

The fact is, said he, that there is no such description of force as volunteers; they are not known to the Constitution. All troops commanded by officers commissioned by the President, whether raised by individual enlistment, or by enlistments by companies, &c., are all regulars; they are the Army of the United States. If they are commanded by officers holding State commissions, they are the militia of the State, and, until called into actual service of the United States, under the command of the Executive of the State to which they belong. If you would call them into service, you must do it through the medium of the Governors of the several States: you can do it in no other way.

For these reasons, he said, he was strongly impressed with the opinion, that the bill was altogether unconstitutional, and expressed a wish that others of more ability, and who had paid more attention to the subject, would investigate it.

Mr. LACOCK holding an opinion on the bill before the Committee somewhat different from any which he had heard delivered, he would take the liberty of expressing it.

The bill has assumed a shape which makes the force to be raised under it, a militia force. The officers and soldiers will be State troops; but when embodied and in the field, they will be a component part of the Army of the United States.

The bill, as first reported by the Committee of Foreign Relations, contemplated the appointment of the officers of this volunteer corps by the President of the United States. This, it was thought, might prove a dangerous patronage placed in the President; the present bill had been therefore introduced, leaving the choice of the officers to the several State Governments, or to the people, agreeably to the practice of each. He thought this the most desirable course; and it would certainly be more agreeable to the men to serve under officers whom they knew, than under strangers.

But, it appears, we are met on the threshold with Constitutional objections. It is said, that when these troops are raised, it will not be in the power of the President to march them out of the limits of the United States. He thought this a question proper to be determined by the President, rather than by this House. It is the duty of Congress to declare war, raise and support armies; and of the Executive to employ them: but, as gentlemen have offered opinions on this question, he would declare his.

The gentleman from North Carolina (Mr. MASON) had correctly stated what were the rights vested in the State and General Governments; but he, Mr. L., drew different conclusions from the facts which he had stated, from what that gentleman had done. He says, that wherever a power was placed, before the adoption of the Federal Constitution, it still remained, unless it was taken away by that instrument; and that before the formation of the General Government, each State, being sovereign, had a right to march their militia wherever they pleased. But the question is, who has at this time this right? The Constitution gives to Congress the power of declaring war, raising and supporting armies. The war-making power is expressly delegated in this section; and it is besides declared "that no State shall engage in war, unless actually invaded, or in such imminent danger as will not admit of delay." The whole physical power of the nation is thus placed under the control of the General Government; and the subsequent provisions of the Constitution are declaratory of the manner in which minor powers are to be executed by Congress. Congress is "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining

the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of officers, and the authority of training the militia, according to the discipline prescribed by Congress."

These clauses of the Constitution show how the disposition and government of the militia is divided between the General and State Governments; and this volunteer force would be partly under the direction of the State Governments, and partly under the General Government. Their officers will be appointed by the State Governments; but when embodied and in service, they might, in his opinion, be marched wherever the General Government thought proper, for the general defence of the country.

There is, said Mr. L., an evident distinction between a volunteer and a regular soldier; the former does not part with his civic character, until he takes the field; the latter, the moment he enlists into the service.

Congress is prohibited "from making any appropriation of money for the support of armies for a longer term than two years." There is no mention made of appropriations for the militia; of course, it must be presumed, that the militia are considered, when in service, as a part of the army, otherwise Congress would have no authority at all for supporting the militia.

Under any other construction of the Constitution, this force would, indeed, be of an anomalous nature. Figure to yourselves, said Mr. L., a victorious army, driving the enemy before it, coming to the territorial lines of the United States! Shall the victors stop precisely at that spot? Shall this line be a wall of fire to them? And thus leave the enemy in perfect security? Is this to be the situation in which the militia of this country are to be placed? A militia which has always been considered as the great bulwark, and the best defence of the country? That they shall only act at home, in the petty business of "executing the laws, suppressing insurrections, and repelling invasions?" He thought differently; he considered the militia our best reliance for defence both at home and abroad. And in proportion as you lower the consequence of the militia, you raise that of standing armies; because if the militia cannot be employed out of the United States, the larger army will be necessary.

The celebrated George Mason, whose opinions had already been introduced into this debate, has predicted, "that the militia would be in danger of being destroyed from not being employed." He was fearful that we were about to realize his predictions; as the opinions now entertained respecting them are far from being calculated to foster their military pride.

But suppose, said Mr. L., this construction of the Constitution is not a correct one, and the militia can be employed only for suppressing insurrections, repelling invasions, &c. What is an invasion? He believed this nation had been invaded for many years past. He believed it was invaded in the butchery of *Pierce*, in the destruction

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committed on board the Chesapeake, in the slaughter of our citizens on the Wabash, &c. He looked upon all these acts of violence as invasions of our country's rights; for he considered our vessels at sea as a part of our territory, and as an extension of it; and every citizen taken from these vessels, as so many invasions. Was it not an invasion of Denmark, when the British so disgracefully destroyed the fleet at Copenhagen? Or, if the British were to make an attack upon our vessels lying in the Chesapeake or Potomac, would not that be considered as an invasion? He believed it would; and that, for every man taken from on board our vessels, we had a right to carry an army in the enemy's territory, wherever we could assail it.

We have heard much of theory, said Mr. L., on this subject; let us look at the practical part of it. Seventy-five thousand men, in addition to our present force, are deemed sufficient for the object in view, viz: twenty-five thousand regulars and fifty thousand volunteers. If the volunteers were to be considered in the light of a regular force, it would be draining the militia of this number of men; and the only difference between them would be the expense. If you offer an additional inducement to enter the service, you thereby add to the expense. When gentlemen speak of this volunteer corps as regulars, they seem not to consider that they are drawn from the body of militia; for he knew not where else they could come from, except in imitation of the British, we were to purchase them from some German Prince.

Gentlemen who are prepared to vote for a large standing army, and thereby place in the hands of the President great patronage, will vote against this bill. They will also greatly increase the public debt, which some think a public blessing; they will also lay a foundation for direct taxes and excises of every kind. But, as he wished, as much as possible, to avoid all these things, he should vote for the bill.

Mr. CHEVES said, he rose with great reluctance to throw himself again upon the attention of the House, but every one who had heard the discussion and observed the misconceptions which had been entertained on the subject of his argument the other day, would see that he could not remain silent. He was at first astonished at the alarm which appeared to be excited on the other side of the House. He was quite unable to conceive why a doctrine altogether popular; why a doctrine calculated to increase State power and State security; why a doctrine calculated to supply the place of standing armies by the militia of the country, should excite alarm for the safety of the liberties of the citizen or the rights of the States. He, however, recollected that the gentlemen were all eloquent gentlemen, accustomed to debate—he immediately perceived that it was an art of their oratory, and found in this a ready solution of his difficulty. There was, indeed, a little too much of mock heroic in this apparent excitement and alarm; but the gentlemen had treated the argument and the speaker with respect, for which he thanked them, and for which he owed them a re-

turn of that politeness. He was sorry he could not acknowledge the same obligation to the honorable gentleman from Virginia, (Mr. RANDOLPH.) That honorable gentleman had been pleased to say, that the construction for which he, Mr. C., had contended, was supported by such arguments as a lawyer would use in support of an indictment. Mr. C. said, he did not know whether the honorable gentleman meant this as argument or sarcasm.

[Mr. RANDOLPH said he did not allude to Mr. C.; he was not in the House when he delivered his argument.]

Mr. CHEVES said he thanked the gentleman for the declaration, and proceeded. It was necessary briefly to state the argument which he had before submitted to the House. He had urged that, in relation to the subject under consideration the General Government was a National not a Federal Government, and that it was such because it operated not on the States, but immediately on the persons and property of the people. That a National Government which had the power to declare and make war, had, as an attribute of that sovereign power, unless it were expressly taken away, the power to call forth the people, the physical strength of the nation, to carry on the war—that this power was exclusively vested in the General Government, and that the Constitution contained no limitation of the power. That the clause relative to invasion was a further grant of power, and applied to a state of things existing at a time when Congress had not exercised the power, of declaring war. His argument was not, as it had been represented, an argument in favor of constructive powers. The power for which he contended was claimed as a power expressly granted. It was expressed in the power to declare and make war. It might perhaps be called an incidental power, but it could not therefore be called a constructive power. There is not, said Mr. C., a power in the Constitution which can be rendered practical without incidental powers. It has been said, that by one of the amendments of the Constitution, it is provided, that powers not delegated to the United States are reserved to the States, but this amendment is not correctly quoted. It declares that powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States. Now the right of declaring and making war, is prohibited to the States, and unless you can extinguish that attribute of sovereignty, by which the sovereign of a country is not only authorized, but, when necessary, required to call out the people for the purpose of making war, it must be in the General Government. It has been said that the powers of the General Government were not sovereign, but limited. This was to deny the existence of any sovereignty which is limited as to its objects, than which nothing is, however, more common. But there is an authority on this point which, Mr. C. supposed, would not be controverted by the gentleman, (Mr. PIERCE,) who urged this argument. He meant Mr. HAMILTON's argument on the constitutionality of the Bank of

the United States. Here Mr. C. read the following extract from that work :

"The circumstance that the powers of sovereignty are, in this country, divided between the National and State governments, does not afford the distinction required. It does not follow from this that each of the portions of power delegated to the one or to the other, is not sovereign with regard to its proper objects. It will only follow from it that each has sovereign power as to certain things, and not as to other things. To deny that the Government of the United States has sovereign power as to its declared purposes and trusts, because its power does not extend to all laws, would be equally to deny that the State Governments have sovereign power in any case, because their power does not extend to every case."

It was said by the same gentleman that the writers contemporaneous with the adoption, and the debates of the several conventions on the adoption of the Constitution, repelled the construction now contended for; but that gentleman had not produced, nor had any other gentleman produced a sentence to that effect, except the gentleman from Tennessee, (Mr. GRUNDY,) who read from the Virginia debates, in the argument of Mr. Nicholas, a detached sentence, in which, speaking of that article of the Constitution which gives power to Congress "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," he says, "they cannot call them forth for any other purpose than to execute the laws, suppress insurrections, and repel invasions." But Mr. Madison, in the same debate, says "the most effectual way to guard against a standing army is, to render it unnecessary; the most effectual way to render it unnecessary is, to give the General Government full power to call forth the militia, and exert the whole natural strength of the Union when necessary." Now, if the one quotation be an authority against the power, the other is as strongly in favor of it. But both were used in reference to the matter then under consideration, and neither can fairly be applied to the question now before the House. That continues to stand on the ground on which all Constitutional questions ought exclusively to stand—except so far as collateral circumstances may be admitted for purposes of elucidation—the terms of the Constitution itself. It had been said that Congress had no greater power over the militia in time of war than in time of peace; but it appears to me, said Mr. C., that it might almost as well be denied that there was any distinction between war and peace. It had been urged that Congress had no power under the Constitution to make appropriations for the support of an army for more than two years, and that, if Congress had power to use the militia in a foreign war, they might make appropriations for their support for an indefinite time, and the Constitution would be evaded. Mr. C. said he had formed no settled opinion whether the militia which might be called into the service of the United States in time of war, would be embraced under that clause of the Constitution which gives power to Congress "to

raise and support armies," or not; but, should they be embraced, the objection would be removed, and the like restraint would be imposed on appropriations for their support. If, on the contrary, they should not, the militia of the country, the citizens, the people themselves, while in the military service of the Union, would only be put on a footing with the Navy, in relation to which there is no restraint, as it was not supposed it could endanger the liberties of the country; so that, taken either way, the argument proves nothing. It is said that it is to be presumed the Constitution does not embrace this power, as the framers of it probably intended to prevent wars for foreign conquest, and, therefore, did not authorize Congress to send the militia out of the United States. Admit the premises, said Mr. C., and the conclusion will not follow. A contrary conclusion, it is contended, may be more fairly drawn. This question seems to depend on another: What force is best calculated for foreign conquest, a regular army or the militia? For if you employ the militia, you so far render unnecessary a regular army; and if you preclude the use of the militia, you render necessary a regular army. But, it will not be denied that a regular army is best calculated to make foreign conquest; and it seems to follow, that, if the framers of the Constitution had intended to prevent foreign conquest, they would not have limited the use of militia. It is said that the silence of contemporaneous writers, and of the debates on the Constitution at the time of its adoption, proves it was not intended to grant this power; but, here again, it should seem the opposite conclusion is stronger and clearer. Let gentlemen reflect on the numberless imaginary objections which were urged at that time, for which there was not the shadow of foundation, and then ask themselves whether this construction (which appears to be admitted by some gentlemen in debate, and which has been distinctly denied by none, to be authorized by the power to declare and make war, unless restrained by other clauses of the Constitution) would have been passed over in silence had it not been clearly understood to be granted. Is it to be believed it would have escaped the "lynx-eyed Patrick Henry," to use an expression of the gentleman from Virginia, (Mr. RANDOLPH,) had he not considered it as necessarily and clearly granted. This silence, Mr. C. said, appeared to him to be an argument exceedingly strong in favor of that construction for which he contended.

But the argument, said Mr. C., which gentlemen urge with most zeal is, the danger of this construction to personal liberty and the independence of the States; and this argument, as far as he could consider gentlemen serious, he viewed with astonishment. His construction was so obviously calculated to increase, and not to diminish the security of the States; to secure, and not to endanger the liberties of the people, that it did, indeed, seem extraordinary that gentlemen should have fallen upon the idea of danger to the liberties of the States and the people as an argument against it. He contended that the militia acting

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under commissions from the States, should be used, instead of regular troops acting under commissions from the United States, and gentlemen, by a kind of inverse logic, infer that this will endanger the independence of the States. Again, Mr. C. said, he contended that the people themselves should constitute the military strength of the Union in time of war, and gentlemen had concluded that this endangered the liberties of the people. But it was feared if the General Government had power to march any part of the militia out of the United States, it might march the whole of the militia of a State out of the State, and place a standing army in their stead. But the same danger to the State would exist under the acknowledged powers of Congress. But is it possible, said Mr. C., that any Government, or any man, intending to assail the independence of a State, or the liberties of a people, would equip and qualify for war the whole of that very people? Though sent beyond their own territorial limits, their homes and their families would remain behind, and urge them, by these strong ties, to return, armed with greater power, and fired with vengeance to expel the usurper. What regular army could resist such assailants, urged by such motives?

But, it is said, this power might be abused, and the people oppressed by a grievous and burdensome service. That if they can be sent out of the United States, they may be sent to Jamaica or the East Indies, to China or Japan. No, said Mr. C., no free Government dare practise such an abuse of such a power. You have the security of a free Government, and it is the best and only security you can have. The possible abuse of the power cannot be fairly urged against its use. Were you thus to reason, you would proscribe as wicked and dangerous our holy religion itself. Have not its abuses lit up the flames of persecution? Have they not fattened the soil with innocent blood? But am I, therefore, said Mr. C., to cease to be a Christian? It is said that, in England, under a monarchy, the militia cannot be marched out of the Kingdom. This is a mistake. The Government has the power, and it is by statute that the King is restrained from the exercise of a power which he would otherwise have. Every Government has this power, and has exercised it. Was not Rome free? Yet, were not the Roman legions marched out of the Roman territory? Was Athens—were any of the Grecian States free? Yet, were not their citizens marched out of their own territories? Is there an instance in history of a Government which, in time of war, could not march its citizens beyond its territorial limits? This power, it will be admitted, must rest either in the Union or in the States, and, as they are equally and fairly represented in the General Government, their danger is not increased by placing it there. As it respected State rights, Mr. C. said, he would only add that he did not expect these zealous exertions in their defence from his honorable friends over the way.

Mr. KEY spoke in reply to Mr. CHEVES.

Mr. NELSON observed that from the general scope of the remarks of the gentleman from South Carolina, (Mr. CHEVES,) it appeared as if he considered those who differed from him in opinion, as hostile to the militia. It was because he, Mr. N., was a friend of the militia and an advocate of State rights, that he maintained the opinion that the United States, has no right to send this species of troops out of the limits of the United States.

Mr. N. did not believe that the framers of our Constitution had any idea of providing the means of extending the territory of this country by foreign war. If he might be permitted to form an opinion from the debates which took place about the time of the adoption of the Constitution, and the practice contemporary with those debates, he should suppose a thirst for extending our territory and dominion had not then taken place—the sentiment had never entered into the minds of the patriots of those days—their leading object evidently was, to secure the happiness of the people within the then United States.

But if the people of the United States are to be engaged in a war, for foreign conquest, the Constitution gives them no power to use the militia for this purpose. They must make use of an army for obtaining their end. He was no foe of the militia, when he considered them as the natural defence of the United States, when he contended that the people of the United States never contemplated that the General Government should draw them out of the limits of the Union. He protested against the grant of sovereign powers to that Government. He denied the authority of the writers, upon whom the gentleman from South Carolina had founded his opinions—they are doctrines calculated for despotic Governments or limited monarchies, where the people possess no power but what they derive from the Government, and not for this country. The people of this country made their own governments; and in establishing the General Government, they gave it no more power than is expressed in the Constitution; those powers which are not expressly given, or are not necessary to carry those powers into execution, being reserved to the States or the people.

If the power given to Congress to declare war, carries with it all the consequences, whether direct or indirect, he asked why the power to raise and support armies was given in the next section? Congress could not carry on war without armies. To his mind, it appeared clear, that the framers of the Constitution meant that nothing should be left for construction. They first give the power to declare war, and then the power to raise and support armies.

But the argument of the gentleman in relation to the militia is still more extraordinary. He says the power given to Congress to declare war, gives them the right of using the whole physical force of the country; and that if nothing had been said respecting the militia, it would, of course, have been used as a part of that physical force. But Mr. N. contended that if the Consti-

tution had been silent as to the militia, that Congress would have had no power over them. Mr. N. knew not whence the gentleman from South Carolina had derived his opinion, that invasion is not war, and that therefore the militia may be called out to repel invasion in time of peace. He asked the gentleman if it were not expressly laid down by the writers on the law of nations, that a nation may consider an invasion as an act of war, and in consequence, take up arms and declare war against the nation thus offending? It could not be denied.

But it was said, insurrection is not war. Mr. N. considered invasion as foreign war, and rebellion as the worst species of war, civil war. This was conclusive evidence to him, that the framers of the Constitution did not intend that the militia should be called upon except in the three cases particularly enumerated.

Mr. N. had already said, that he did not consider the doctrine of the gentleman from South Carolina, respecting sovereign power, as applicable to this country.

What, asked Mr. N. would be the consequences which would flow from a doctrine of this kind? Is not the power given to the Executive to make treaties as much a sovereign power as the power of declaring war given to Congress? And will it be said that the Executive has the power of doing everything necessary to make treaties obligatory? He supposed not; it would certainly be conceded that this House has the right to control the treaty-making power, by granting, or refusing to grant the necessary appropriations for carrying treaties into effect. And Congress has the same kind of check upon the army after it is raised, by their appropriations being confined to two years.

He was therefore decidedly of opinion, that the Government of the United States has no control over the militia, except in the cases enumerated; and if the object of gentlemen be to make foreign conquest with these volunteers, he should lift up his hand against the bill; because he thought it unnecessary to bring into being a force which cannot be used for the object proposed. But it was said that this force might be used for internal defence. He wished, however, to seize the present moment for raising an effective force, before the ardor which exists in the public mind be evaporated; for, if the enthusiasm of the people be suffered to subside, when Congress shall attempt to raise an effective force, they may find it too late to effect their purpose.

Mr. PICKENS moved to amend the bill, by providing a force of twenty-five thousand men, to be officered by the President; as proposed in the original bill. He wished to provide a force that could unquestionably be used against the British possessions. The force contemplated by the present bill, is, at least, of a doubtful nature. The best talents of the House had been displayed on both sides of the question. He could see no objection to the course which he proposed, as full discretion is left with the Executive to raise the whole force, or not. He is authorized to accept

of a number of volunteers, not exceeding the number mentioned in the bill. He might therefore accept of such a number of each kind of force, as he might judge it expedient to have employed. For, gentlemen must see, that, if after these fifty thousand volunteers shall be embodied, the President should decide that he has no power to employ them for the object contemplated, the country will be in an awkward situation. He thought there was safety in his proposition.

As to any danger to be apprehended from a force of this kind, he thought it was in vain to attempt to engage in a war, if such an idea could be entertained for a moment. There may come a time when a large standing army would be dangerous to the liberties of the country; but the present is certainly not that time.

Mr. ALSTON would vote against the amendment proposed by his colleague; because he subscribed to the doctrine of the gentleman from South Carolina (Mr. CHEVES); if he thought differently, he should have supported this amendment. Because, all who believe that this force cannot be marched beyond the limits of the United States, must know that it will be an inefficient force; and he could not see on what ground such gentlemen can withhold their support to this proposition. To him there appeared no doubt, that when a declaration of war was made, Congress had the power to use such part of the physical force of the country as they might judge expedient. Suppose, said Mr. A., war was declared for an infraction of our rights without the United States. Suppose, for instance, that the Spanish Government should insist upon holding Mobile, would Congress have no power to march a part of the militia of the country thither? He thought such a power had never been questioned. He had no doubt of it, and therefore should vote against the amendment.

Mr. McKEE thought it unfortunate that this question had been brought before the House. But as it had been discussed, and different opinions expressed upon it, he wished the question to be fairly met and decided; otherwise gentlemen will vote for the bill with different views, some with an expectation that the force may be employed abroad, and others with a directly contrary opinion.

Mr. SMILIE said, if gentlemen were determined to rely upon a regular force, they had certainly a right to take their own course; but he thought a standing force of thirty-five thousand men was sufficient—he was for keeping the bill as it stands.

Mr. ROBERTS observed, that in the course of this discussion, different opinions had been expressed as to the employment of this force. It was his opinion that this corps might be used wherever it was wanted; but if it were not to be so used, a less number of men would be necessary. It was truly a matter of Executive discretion, still it was desirable to have a definite vote on the subject. He thought it would be best to take the sense of the House on the question, whether this force could, or could not be marched out of the

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United States. If the gentleman from North Carolina would consent to withdraw his motion, he would bring forward one to try that question.

Mr. PORTER hoped the gentleman from North Carolina would withdraw his motion, that the question might be put in the shape proposed by the gentleman from Pennsylvania. He could not subscribe to the opinion that it was improper for this House to decide for what object this force was to be applied. He thought it the duty of Congress to keep in view the object for which they were legislating. If the business of this House was to be dwindled down and protracted by long speeches, he should be for returning back to the State governments, and get them to protect our rights.

What, said he, is the object of all our military preparations? The object has been repeatedly avowed to be to retaliate on Great Britain the injuries which she has inflicted upon our maritime rights, by an invasion of her provinces, as the only quarter in which she is vulnerable. How are we to effect our purpose? The Senate says, with twenty-five thousand regular troops. This had been agreed to. But have we got them? On paper only; and, my word for it, said Mr. P., it will take a considerable time to raise the men; and before this can be done, our enemy will have blocked up all the avenues to Canada with regular troops, veteran troops, inured to human slaughter.

Mr. P. knew something of Canada; he lived near its borders—his house was within gunshot of its lines. He had, therefore, a right to know what was the intention of Congress; for the first attack of the enemy would doubtless be upon him and his constituents. He wished not to raise an army that could not be effectively employed. He wanted to know whether we are to make effective war or not; and the question was to him a serious one. He hoped the present motion would therefore be withdrawn.

Mr. PICKENS withdrew his amendment; and Mr. ROBERTS moved the following: "that this corps shall perform duty at any place in which the army may be directed to act by the proper authority."

Mr. KEY moved to amend the amendment, by adding the words, "at any place within the United States," alleging that the motion of the gentleman from Pennsylvania was not sufficiently explicit to decide the principle.

And the question being taken thereon, it was negatived—yeas 34, nays 80, as follows:

YEAS—Stevenson Archer, Ezekiel Bacon, John Baker, Abijah Bigelow, James Breckenridge, Martin Chittenden, William Ely, Asa Fitch, Thomas Gholson, Thomas R. Gold, Felix Grundy, Aylett Hawes, Richard Jackson, jr., Philip B. Key, William R. King, Lyman Law, Joseph Lewis, jun., Robert Le Roy Livingston, Samuel McKee, Jonathan O. Moseley, Hugh Nelson, Joseph Pearson, Israel Pickens, Peter B. Porter, William Reed, Henry M. Ridgely, Daniel Sheffey, Richard Stanford, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Laban Wheaton, Leonard White, and Thomas Wilson.

NAYS—Willis Alston, jr., William Anderson, David Bard, Josiah Bartlett, Burwell Bassett, William W. Bibb, William Blackledge, Thomas Blount, Adam Boyd, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, John Clopton, Lewis Condit, William Crawford, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, Abner Lacock, Joseph Lefever, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Alexander McKim, Arunah Metcalf, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, William Piper, Benjamin Pond, John Randolph, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, Silas Stow, Peleg Tallman, John Taliaferro, George M. Troup, Charles Turner, junior, Pierre Van Cortlandt, jun., Robert Whitehill, David R. Williams, William Widgery, and Robert Wright.

A motion was then made by Mr. McKIM to amend the amendment proposed by Mr. ROBERTS, by inserting after the said word "place," the words "within, or out of the United States." And, debate arising, the previous question was called for by Mr. SMITH, and, being demanded by one-fifth of the members present, an adjournment was called for, and carried.

THURSDAY, January 16.

Mr. MORROW, from the Committee on the Public Lands, presented a bill authorizing the Secretary of the Treasury to locate the lands reserved for the use of Jefferson College, in the Mississippi Territory; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. RHEA, from the Committee on Post Offices and Post Roads, presented a bill to alter and establish certain post roads; which was read twice, and committed to a Committee of the Whole on Monday next.

A Message, received from the President of the United States yesterday, was read, transmitting an account of the contingent expenses of Government for the year 1811, incurred on the occasion of taking possession of the territory limited eastwardly by the river Perdido, and amounting to three thousand three hundred and ninety-six dollars.

Another Message, received from the President of the United States yesterday, was read, transmitting to the House a report of the Secretary of State, complying with their resolution of the 29th of November, of American seamen impressed into the service of Foreign Powers.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report, in obedience to a resolution of the 19th ultimo, requesting the President of the United States to cause to be laid before the House a statement of

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the capital employed in the Indian trade, the amount of annual purchases, sales, and articles received in payment; together with the number, names, and salaries of agents, the places where stationed, and specifying the state of the trade for the last four years; which were ordered to lie on the table.

The following Message was received from the
PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

I communicate to Congress a letter from the Envoy Extraordinary and Minister Plenipotentiary of Great Britain, to the Secretary of State, with the answer of the latter.

The continued evidence afforded by this correspondence of the hostile policy of the British Government against our national rights, strengthens the considerations recommending and urging the preparation of adequate means for maintaining them,

JAMES MADISON.

WASHINGTON, Jan. 16, 1812.

On motion of Mr. BLOUNT, the Committee of the Whole were discharged from the consideration of the bill from the Senate "making further provision for the corps of engineers," and it was committed to the committee on so much of the Message of the President as relates to filling the ranks and prolonging the enlistments of the regular troops, and to an auxiliary force, to the acceptance of volunteers, to detachments of militia, and to such a preparation of the great body as will proportion its usefulness to its intrinsic capacity.

QUARTERMASTER'S DEPARTMENT.

On motion of Mr. D. R. WILLIAMS, the House resolved itself into a Committee of the Whole, on the bill from the Senate, with the amendments recommended by the Army Committee, to whom it had been referred.

The bill, with the proposed amendments, being gone through, Mr. W. said, he would, in as few words as he was able, explain the nature of the amendments which the select committee had recommended. This bill, he said, was predicated on the destruction of the office of Purveyor of Public Supplies, who is properly the Commissary General of the United States; and contemplates the establishment in its place, not only of a Quartermaster General for the United States, but a Commissary General in the same person. In investigating this subject, the committee could see no reason for blending these two important offices in one, the duties of both which are important, perfectly distinct, and never were blended in any country in the world; and for this good reason, these officers are a check upon each other; one being the purchaser, and the other the distributor of supplies; whereas, if they were united in one person, frauds to any amount might be committed without the possibility of detection. Besides, it is necessary the Quartermaster General should be a military man; indeed his presence is at times required in the field, to distribute the supplies; whilst the Purveyor or Commissary General, whose business it is to purchase supplies

of every kind for the Army, ought to be a man well acquainted with mercantile concerns.

After some objections from Messrs. ALSTON and RHEA, and some remarks in reply from Messrs. TALLMADGE, and FINDLEY, the amendments which went to keep up the Purveyor's office, were agreed to; and the Committee rose and reported the bill. The House took it up and concurred with the amendments, and ordered the bill to a third reading to-morrow.

VOLUNTEER CORPS.

The House resumed the consideration of the unfinished business of yesterday, authorizing the President to accept of certain volunteers, when the SPEAKER stated that the previous question, which had been demanded and was depending at the time of the adjournment, was now to be taken.

Mr. ROBERTS, not willing to embarrass the passage of the bill, withdrew his amendment, which was under consideration when the House last adjourned.

Mr. GHOLSON was desirous of ascertaining with certainty in what light this volunteer corps was to be considered; and, for this purpose, he proposed to amend the bill, by adding to the third section the following words: "to serve either within or without the jurisdiction of the United States."

Mr. BURWELL was sorry that his colleague had offered this amendment. He might as well have moved to add the words, "above and below," as "within and without." What is the object of this bill? It is to provide a military force for the public service. The Constitution puts its employment in other hands. We must raise the force, and the President of the United States will employ it within or without the United States, as may be necessary, agreeably to the powers vested in him by the Constitution. Why designate the manner in, or the purposes for which this force shall be employed, when we can neither add to, nor deduct from, the directions of the Constitution in this respect? It must have appeared, from the experience of yesterday, that it would be impossible to get the House to express a definite opinion on this subject.

Gentlemen say it is desirable to ascertain the sense of the House on this question, because they wish to know whether this force can be sent against Canada. He was himself convinced that the militia of the United States cannot be marched out of the country; that no President would dare to order them out; that if any such attempt were made, it would be resisted. He should, however, vote for the bill; and should be willing, if necessary, to give the President any additional force for the invasion of Canada.

Mr. B. hoped the bill would be suffered to pass in its present shape. He knew his colleague too well to believe he wished to throw any unnecessary embarrassment in the way of public business, and he hoped, on more mature reflection, that he would withdraw his amendment, and let the bill pass.

Mr. GOLD thought this amendment desirable

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for the sake of defining the purpose for which these volunteers are to offer their service. The gentleman from Virginia (Mr. BURWELL) had said it would decide nothing. He was of a different opinion. It would, at all events, let the volunteer know what service he had to perform, which he thought desirable, and which every one would wish to know before he offered his services.

Mr. WRIGHT.—Mr. Speaker, I wish the honorable gentleman from Virginia (Mr. GHOLSON) would withdraw his proposed amendment. Sir, I hope that gentleman, whose talents and motives I highly appreciate, will, on a review of the subject, be satisfied that Congress have no power over the Constitution, so as to control its construction, by the Executive. The Constitution either authorizes the President to send these volunteers out of the United States, or it does not authorize him. If, sir, it does not, can this bill authorize him? If it does, can this bill control his Constitutional powers? Sir, the Legislative, the Executive, and the Judiciary, are co-ordinate powers, on subjects by the Constitution submitted to them; each respectively and exclusively is entitled to construe the Constitution for itself. Sir, Congress cannot alter any part of the Constitution without the consent of the States; and of course cannot, in any manner, by any act of ordinary legislation, impose a construction by law. The Constitution is the paramount law, and by each department is to be construed by itself. I feel no doubt that these volunteers may be sent out of the United States, by the Constitution; but no man can believe, if they cannot, that this law will justify or authorize it, unless we should determine that we have power paramount to that hallowed instrument. Sir, I am desirous of acting with despatch, and definitely, on this bill. We were, two days ago, lectured by the honorable gentleman from Virginia, (Mr. WILSON,) for our delay in the passage of the bill. I appeal to this House, whether that gentleman has not distinguished himself in that delay; and will submit to him the remark of Cato, "*turpe est doctori, cum culpa redarguit ipsum.*" I hope, however, sir, we shall deliver ourselves from that charge, by avoiding any farther delay, and that the gentleman will withdraw his amendment, or that the House will reject it, and pass the bill to a third reading.

Mr. LACOCK observed that this amendment was intended to test the opinion of the House. Though he believed the President had the power to march the militia where he pleased, yet he should vote against it, because he believed Congress were travelling out of their duty in deciding this question.

Mr. FISK approved the proposed amendment. It was the duty of Congress to make their laws plain and intelligible; the proposed amendment would not affect the constitutionality of the force. It would be declared on the face of the law for what purposes the volunteers were wanted, and no one could labor under any mistake on the subject; whereas, if no such amendment is made, no

one can certainly tell how these volunteers are to be employed.

Mr. SMILIE said this was the second attempt which he had witnessed, to explain the provisions of the Constitution by law; but he hoped the good sense of the House would resist it. Does the gentleman from Vermont recollect that, in raising a regular force, no explanation is made of the object for which the men are wanted? Let us, said he, raise the force, and leave the President to do his duty, undirected by us.

Mr. GOLD was sorry there was so great an indisposition to meet this question. No one can say that it is encroaching on the Executive prerogative, to authorize him to accept of a volunteer force, for a limited time, for certain purposes. To pass this bill, in its present shape, would be forcing the President to exercise the Judicial as well as the Executive power, before he could discover the intentions of Congress. It is the President's duty to execute the laws; but they ought to be passed in a clear and intelligible manner.

Mr. BISS said, it was certainly proper in enacting laws, to make them as explicit as possible; but will this amendment make the bill more intelligible than it is at present? He thought not. Admitting, for the sake of argument, that Congress may rightfully direct the President as to the employment of this force, will this amendment give any such direction? It would not. It was altogether indefinite, and he should, therefore, vote against it.

After a few remarks from Mr. GHOLSON and others, he withdrew his amendment.

Mr. BACON said, there appeared to be wanting an amendment to the bill in relation to the manner in which the services of these volunteers are to be accepted. They are, according to this bill, to offer their services to the President; but he thought it would be more convenient for them to make the offer to the Governors of the several States, and let them communicate the offer to the President. The Governors, as Commanders-in-Chief of the States, will have to commission the officers, and it would certainly be best, that the offer or service should be made to them. A different course would be attended with much inconvenience. He would move an amendment, therefore, of the following words: "through the medium of the Executive authority of the several States."

The motion was negatived.

Mr. B. HALL said he had voted for every measure in favor of placing the country in a state suited to the present crisis; but he could not vote for the present bill, as he believed it to be unconstitutional. This corps, when embodied, will be as much a regular corps as any other. The President has power to call out the militia for certain purposes. Who are the militia? They are all the people of the United States liable to do militia duty, subject to the call of the President; but the moment they are selected into special corps, they are a part of the Army, and ought, therefore, to be officered by the President. The word "militia" does not occur in the whole of this bill.

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But for this doubt in his mind, he would have cheerfully voted for the additional force. He moved a recommitment of the bill.

Mr. PORTER hoped the bill would be recommitment. It is certainly incorrect in several respects, but especially in the first section. He should not, however, have made the motion, but have relied upon the Senate to have made the necessary correction; but, being made, he seconded it, and wished it to pass. The section which provides for the acceptance of volunteers, does not say of whom they shall consist.

The motion was negatived.

Mr. NELSON would make a last, an expiring effort to unravel or cut this web of difficulty into which this subject had been thrown—an effort made in the spirit of candor, and he hoped it would be received by the House as intended. He had avowed it to be his object to put the United States in that armor which the President had recommended.

Our Constitution, said Mr. N., was the fruit of a spirit of compromise; and the measures of this House must frequently be actuated by a similar spirit. It is necessary, all agree, to bring into existence a body of troops which will prove effective. He was, on this account, for having a corps which would act more promptly than militia. It could not be expected, however, that militia, unaccustomed to service, could act so promptly as a corps of volunteers, which should be trained for the purpose. Mr. N. thought it of great importance that the ardor and enthusiasm which exist among the people, at the present moment, should be taken advantage of for raising these volunteers; and concluded with moving that the bill, with its amendments, lie upon the table for the present, to afford him an opportunity of bringing in a new bill to authorize the President to accept and commission a corps of volunteers—say 30,000, 40,000, or 50,000; and, after a bill of this kind was passed, he would join with gentlemen in providing another corps for State purposes.

Mr. McKEE seconded the motion for another reason. There was a Message of importance on the table from the President of the United States, which he wished to hear read.

The question was then put and negatived. The bill was then ordered for a third reading—yeas 96, nays 25, as follows:

YEAS—Willis Alston, junior, William Anderson, John Baker, David Bard, Josiah Bartlett, Burwell Bassett, William W. Bibb, William Blackledge, Harmanus Bleecker, Thomas Blount, Adam Boyd, James Breckenridge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, John Clopton, Lewis Condit, Wm. Crawford, R. Davis, John Dawson, Jos. Desha, Samuel Dinsmoor, Elias Earle, James Emott, William Ely, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Isaiah L. Green, Felix Grundy, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Peter Little, Robert Le Roy Livingston, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas

Moore, Archibald McBryde, William McCoy, Samuel McKee, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Stephen Ormsby, William Paulding, jun., Israel Pickens, William Piper, Benjamin Pond, Peter B. Porter, Josiah Quincy, William Reed, Henry M. Ridgely, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Samuel Shaw, John Smilie, George Smith, Richard Stanford, Philip Stuart, Silas Stow, William Strong, George Sullivan, Peleg Tallman, John Taliaferro, Uri Tracy, George M. Troup, Charles Turner, jun., Pierre Van Cortlandt, jun., Robert Whitehill, David R. Williams, William Widgery, Thomas Wilson, and Robert Wright.

NAYS—Stevenson Archer, Ezekiel Bacon, Abijah Bigelow, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, junior, William Ely, James Fisk, Asa Fitch, Bolling Hall, Richard Jackson, junior, Philip B. Key, Lyman Law, Joseph Lewis, jr., Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, junior, Elisha R. Potter, Adam Seybert, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, and Leonard White.

The bill was then ordered to be read a third time to-morrow.

FRIDAY, January 17.

Mr. QUINCY presented a petition of the members of the Association of Ministers in and about Boston, praying that the ninth section of the "Act regulating the Post Office Establishment," passed the twenty-fifth of April, 1810, be so amended as to prohibit the delivery of letters on Sunday before sunset.—Laid on the table.

The SPEAKER presented several petitions of the members of sundry Christian denominations residing in the Western country, praying that the mail may not be carried, and that post offices may not be opened on Sundays.—Ordered to lie on the table.

A Message was received from the President of the United States transmitting a letter from the Envoy Extraordinary and Minister Plenipotentiary of Great Britain to the Secretary of State, with the answer of the latter.—Referred to the committee appointed on that part of the President's Message, which relates to Indian affairs.

VOLUNTEER CORPS.

An engrossed bill to authorize the President of the United States to accept and organize certain volunteer military corps, was read the third time. And on the question that the same do pass, it passed in the affirmative—yeas 87, nays 23, as follows:

YEAS—Willis Alston, jun., William Anderson, Stevenson Archer, John Baker, Burwell Bassett, William W. Bibb, William Blackledge, Harmanus Bleecker, Thomas Blount, Adam Boyd, James Breckenridge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, John Clopton, Lewis Condit, William Crawford, Roger Davis, Joseph Desha, Elias Earle, James Emott, William Findley, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Isaiah L. Green, Felix Grundy, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, William R.

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King, Abner Lacoock, Peter Little, Robert Le Roy Livingston, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Milnor, Samuel I. Mitchell, James Morgan, Jeremiah Morrow, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, William Paulding, jun., Israel Pickens, Benjamin Pond, Peter B. Porter, Josiah Quincy, William Reed, Henry M. Ridgely, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Ebenezer Seaver, John Sevier, John Smilie, George Smith, John Smith, Richard Stanford, William Strong, Peleg Tallman, John Taliaferro, Uri Tracy, George M. Troup, Charles Turner, jr., Pierre Van Cortlandt, jr., Robert Whitehill, David R. Williams, Thomas Wilson, and Robert Wright.

NAYS—Ezekiel Bacon, Abijah Bigelow, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, jun., William Ely, James Fisk, Asa Fitch, Bolling Hall, Richard Jackson, junior, Lyman Law, Joseph Lewis, jr., Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, Adam Seybert, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, and Leonard White.

QUARTERMASTER'S DEPARTMENT.

The bill from the Senate "for the establishment of a Quartermaster's Department" came up on its third reading.

Mr. ALSTON said, if the House would pay attention to the duty of the Purveyor of Public Supplies, and examine the powers given to the Quartermaster General in this bill, it would appear evident that there was no necessity for both offices, and it certainly was not the wish of the House to erect two great departments to perform the same duties. He could perceive no way in which one officer was to be a check upon the other. He liked the bill as it came from the Senate better than as amended, as he saw no necessity for retaining the office of Purveyor.

Mr. TALLMADGE observed, that the great object of this bill, and the only one which made it necessary, was to provide for a Quartermaster General's Department, instead of military agents, as employed at present. There never was such an officer in the staff department in the Revolutionary war. The late Secretary of War, as well as the present, were in favor of this change. The military agents, without much responsibility, had nearly controlled the whole War Department. An attempt was made two years ago to effect this change, but it then failed. The office of Purveyor of Public Supplies was instituted long before that of Military Agent. The duties of the Quartermaster General and Purveyor are very different. The former is a highly respectable and confidential officer; he is next in consequence to the Commander-in-Chief, with whom he has frequent communication. Every movement of the Army is first communicated to him. He ought to be a military character. It is his duty to receive and deliver out the necessary supplies for the Army, and to attend to its movements. The duties of the Purveyor is to purchase, under the direction of the Secretary of the Treasury, arms, clothing, hospital stores, and every other article necessary

for the Army. So that there is not the least similarity between the two officers; one being the purchasing, the other the distributing officer. If the office of Purveyor were to be done away, the Quartermaster General would have to employ a deputy or agent to make these purchases, which would be putting too much in the power of a subordinate officer, and would do away that check which will exist if the Purveyor be continued, as the purchaser and distributor of the supplies would be in the same person. The Purveyor is also the purchaser of goods for the Indian department.

Mr. WILLIAMS rose to prevent any person from falling into the mistake which the gentleman from North Carolina appeared to have done, by making remarks applicable to the printed bill (a part of which had been struck out and other parts amended (instead of the bill read from the Chair. He deemed it unnecessary to add anything in reply, to what had been so well said by the gentleman from Connecticut.

Mr. ALSTON said he had attended to the bill as read, and not to the printed bill; and insisted that, from the provisions of the bill, the Secretary of War might direct the Purveyor and Quartermaster to purchase the same articles. If the bill was what the gentleman from Connecticut had stated it to be, he should not have objected to it; but it was not.

Mr. QUINCY had doubts whether both these officers were necessary. There was no such officer as Purveyor of Public Supplies during the Revolutionary war. If it were found hereafter that another besides the Quartermaster General was necessary, he could be appointed. There ought certainly to be a responsibility attached to the purchase of supplies, and this might be placed in the Head of the War Department or Quartermaster General. He had not sufficient light on the subject, to say that both these officers are necessary. He was in favor of the bill as it came from the Senate.

Mr. BLOUNT said, that though there was not a Purveyor of Public Supplies during the Revolutionary war, there was a Clothier, who did much the same business. If we are going to war, said Mr. B., he did not see how we could do without a Quartermaster General; and it would be improper for him to become the purchaser of supplies, which it is the duty of the Purveyor to purchase, because, as had already been stated, there would be no check in the business. There must be propriety in keeping the offices distinct.

Mr. MACON observed, it was impossible to go to war without a Quartermaster General; for there is no man has so much to do about an army as this officer. There was always more difficulty in settling the Quartermaster General's accounts than any other. The only instances in which a Quartermaster General has to purchase supplies, is when, by some miscarriage or accident, the supplies from the Commissary or Purveyor do not arrive in season. It is necessary that such a power should be vested in this officer, to be used on such extraordinary occasions. As had been stated by his colleague, though there were

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no Purveyor during the Revolution, there were clothiers or agents employed in different situations, which answered the purpose. The qualifications necessary for the Quartermaster General and Purveyor are very different; the one ought to be a soldier, the other a merchant.

The bill passed by a large majority.

NAVAL ESTABLISHMENT.

The House resolved itself into a Committee of the Whole on the bill concerning the Naval Establishment.

Mr. CHEVES, the Chairman of the Navy Committee, moved to fill the blank in the first section of the bill with "four hundred and eighty thousand dollars," and said he believed it to be his duty at this time, to disclose to the Committee of the Whole the views and motives of the select committee in reporting the bill. Mr. C. said, I consider this subject as one of the most important that can be brought before this House; as a great question, involving, to a considerable extent, the fate of a species of national defence the most essential and necessary to the interests of this country. I know, said Mr. C., how many and how strong are the prejudices, how numerous and how deeply laid are the errors which I have to encounter in the discussion of this question; errors and prejudices the more formidable, as they come recommended by the virtues, and shielded by the estimable motives of those who indulge them. I have been told that this subject is unpopular, and it has been not indistinctly hinted, that those who become the zealous advocates of the bill will not advance by their exertions the personal estimation in which they may be held by their political associates. I will not do my political friends the injustice to believe that these exertions will diminish their confidence; but, could I think otherwise, I hope I shall never be diverted from a faithful discharge of my duty by considerations of this kind. I wish to lead no man, and I am determined not to be blindly led by any man. In acting with a party, I do so, because I adopt their leading principles and politics as the best, and because I believe, from the nature of free Government, it is necessary so to act to give efficiency to the exertions of any individual; but I do not feel myself, therefore, bound to renounce my deliberate opinions on all the great interests of the nation, or to take no independent part in the exertions of the party to which I belong. I sincerely believe that, if this infant Naval Establishment be either abandoned or put down, the party who now form the majority in this House, and in the country, may run great risk of becoming the minority, not only within these walls, but in the nation.

This question must be discussed, said Mr. C., on this occasion, on new principles. Hitherto, in politics, as in science and morals, there have been certain fixed principles, which, to attempt to prove, would be considered as trifling with the hearer; and certainly among these, the propriety and necessity of protecting commerce, in a commercial country, would have been ranked. But

we have heard it said, and it has almost become popular and fashionable to say on this floor, that the nation ought not to go to war for the protection of commerce; and, by stronger reason, that it ought not to establish a navy, which, it is supposed, is fitted only for that object; that nothing should provoke us to this act of national resistance, but the actual invasion of our soil. When such principles have been avowed, the friends of the bill before you cannot deem it unnecessary—the opponents of it cannot consider it as improperly obtrusive—to discuss the question, whether the commerce of this country is entitled to protection. I ask the patient attention of the Committee to such arguments as shall grow out of the subject, which I will endeavor to lay before them with as much precision and clearness as I am able. I shall not hesitate to occupy their time by a full development of them as the importance of the question demands, and will justify it, while the errors and prejudices that encumber and embarrass the subject render it necessary.

Is commerce, then, in this country, entitled to protection? The object of all government is protection; the strong, under it, are more effectually protected by the combination of their strength with the power of weaker interests—even to the strong this protection is necessary—but it is more the object of the weak, and to them is more necessary. How obvious, then, is the violation of the object of all government, if the weaker interests are denied protection because it may require some sacrifices from the strong? Yet, this violation is really, though not ostensibly asserted to be justifiable by those who say we shall not exert the national energies in the form of war for the protection of commerce. Agriculture, they say, is the great interest of the country; and, as war will require of it great sacrifices, therefore the protection of commerce ought to be abandoned. And is it, then, true, that the greatest interest which enjoys the protection of Government, and exacts of the weaker the sacrifices necessary for this end, shall, in turn, suffer nothing in defence of those interests with which it is associated? No, that is too monstrous a principle to be asserted. But gentlemen say, it is not incumbent on a Government to defend the smallest interest which claims its protection, by the greatest sacrifices of which it is capable—the sufferings of war, and its calamitous and ruinous consequences. This protection of commerce will cost more, they say, than the object is worth, and therefore ought not to be granted. These positions I deny; and although I admit that the smallest interests of society are not to be defended by the greatest exertion—by war—because partial interests must yield to the great and general interests of society; yet, every other interest is not to yield to the greatest interest. When the interest in question becomes a general one, and assumes the character of one of the great interests of the community, its defence demands the exertion of the whole power of the Government, and its claims are not less than would be those of the greatest interest under its protection. I deny that war is ever justly

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founded on a calculation of mere pecuniary loss or gain. War is always a terrible, and not unfrequently a ruinous, calamity, and can be compensated by no pecuniary advantage; this cannot, therefore, be the basis of political calculation. War ought never to be made but in defence of the great interests of the community; and, in such a case, the only calculation which should be made by a high-spirited nation, or a just Government, is the calculation of the national ability to wage the war. But the subject is one not to be illustrated by argument. It is plainer in itself than it can be made by reasoning. When the proposition is submitted, it appears to cast off the adventitious aid as cumbrous and unnecessary. Yet, there is a claim of peculiar right which may and ought to be added. It pervaded and supplied greatly and deeply the motives and the causes of the political compact under which we are assembled in this Hall. The distresses of commerce, combining with the other suffering interests of the country, laid the foundations of this happy Union, and in this hour of mutual peril and mutual distress, was given the pledge of mutual protection; and we are called upon now to declare whether it shall be forcibly withheld without being justly redeemed? No man of generous feelings, no honest statesman, no honorable member of this House, I am sure, will avow such an object. How, then, can the protection of commerce, the second great interest of the nation, be abandoned? Or will you say that commerce is protected, because you defend the worthless sands of the seashore, or the comfortless dwellings of those devoted to commerce? You will deride their feelings and mock the substance with less than the semblance of justice, when you tell them that you defend their altars and their fire-sides, if you abandon their property on the ocean, which is necessary to make the one cheerful and, at least, useful, to carry the heart with gratitude and tranquil piety, to the foot of the other.

But, said Mr. C., we dare not act on the principles which we appear to profess. Are we not at this moment about to go to war in defence of our violated commerce? Did not my honorable friend and worthy colleague, (Mr. WILLIAMS,) the other day, in a strain of eloquence which did equal honor to his talents and his patriotism, put the question on this footing, and yet, it is strange, he will be opposed to the bill before you. I call upon gentlemen to divest themselves of the prejudices they may have imbibed on this subject; they must see, at this moment, in the measures which they have just adopted, the current of correct feelings impelling them on their object in opposition to the prejudice of opinion. They are going to war in defence of commerce, in opposition to their declaration, that they will not go to war in defence of commerce.

But, said Mr. C., why is the protection of commerce distinguished from the protection of agriculture? The interests of agriculture and commerce are inseparable. What is commerce but the exchange of the surplus produce of the industry of one individual for that of another, the sur-

plus productions of one nation for those of another? How is foreign commerce carried on? By agents among yourselves, or by agents in foreign countries; by domestic or by foreign capital. But which is most advantageous to the agriculturist? Certainly, your own merchants and your own capital. Half the number of agents at home, if it were for no other reason than their proximity, will do the business; half the domestic capital, from the repeated operations of which it is susceptible, will effect the exchange. It is these operations which constitute commerce, and it is this commerce which makes agriculture valuable. Every facility of commerce increases the value of agricultural productions. Thus it is, that the commerce of our farms is more or less valuable, as they are more or less remote from market; because, as they are more or less remote from market, is the exchange more or less facile, these results are equally attendant on every facility or disadvantage. Every expense and every difficulty of transportation and exchange with foreign countries diminishes the value of our agriculture. But no facility is so great as security; and to give this security in time of war, your ships must be protected on the ocean. Suppose, as is in fact the case at the present moment, Great Britain and France to be engaged in hostilities with each other; the difficulties of transporting your produce to the dominions of either, are increased by the spoiliations of the other. Of course, the prices of your produce will fall, and the value of your agriculture will be diminished by every risk and every expense which these difficulties may cause. But imagine the same commerce to be protected, and exactly in the degree of that protection will the prices of your products and the value of your agriculture be increased. Suppose it completely protected, and the agriculturist would combine the advantage of war prices and profits with no other than the charges of peace. But suppose we should adopt the Chinese system, as it has been called, and have no ships of our own; and that we should, as we do in fact at this time, require the ports of France, and the rest of the Continent under her control, as markets for our agricultural productions, what would be the consequence? British ships are excluded from these ports, and there are no other foreign carriers, and we should have none of our own; how, in that case, would we convey a pound of cotton or tobacco, or any other article, to these markets? How would it be possible to render our agricultural productions, which are consumed in these countries, of any value? Without ships and seamen, and, consequently, without commerce, of what value would all our agriculture be beyond the supply of "meat, fire, and clothes?" And is not this nearly the state and situation of our present unprotected commerce and our present languishing agriculture? But were our commerce effectually protected, did our flag give security to the vessels which bear it and the property they convey, what would be the appreciation in value of the agricultural products of our country, which are now without purchasers and prices?

It has been said, by a strong and lively figure of rhetoric, that this country is a great land animal, which should not venture into the water. But if you look at its broad high back, the Alleghanies, and its great sides swelling to the East and to the West, where do you find its immense limbs terminate? Not on some great plain which has been formed for their reception, but in two great oceans, the Pacific on the one side, and the Atlantic on the other. The figure explains the true interests of the country, in the inseparable union and necessary dependence of agriculture and commerce. The God of Nature did not give to the United States a coast of two thousand miles in extent, not to be used. No; it was intended by this bounty to make us a great commercial people; and shall we ungratefully reject the enjoyment of his unexampled beneficence? No, it has not and will not be neglected. A great portion of our people exist but upon the ocean and its fruits. It has been eloquently, and not less truly than eloquently, said, that "the ocean is their farm," and it must and will be protected. But how is this protection to be afforded? I will endeavor to prove that it can be done, and done most cheaply and effectually by a naval force; and if I succeed in this, I shall hope for the concurrence of the Committee. No proposition appears to me more true or more obvious, than that it is only by a naval force that our commerce and our neutral rights on the ocean can be protected. We are now going to war for the protection of these rights; but in what way, and under what circumstances? The mode is altogether accidental, and not founded on the permanent relations or means of the country. It is not my intention to condemn the course which has been taken. It has had my hearty concurrence, and my zealous, though feeble, support. I hope it may be altogether effectual; and I believe it will inflict a wound which will be felt with poignancy. But it is, notwithstanding, partial and accidental; for, if Great Britain had not the Canadas on our borders, how could we attack or resist her, armed as we are? If we possess ourselves of the Canadas, and this we shall certainly do in the event of war, how and where shall we then continue the war without a naval force? We shall suffer the evils of war, without inflicting any of them on the enemy. We cannot send our regulars or our volunteers on the ocean. Does it not, then, result, inevitably, as the dictate of common prudence, that we should, as soon as possible, commence our naval preparations? The Naval Establishment of the United States has been heretofore so much neglected, that it is at present in a state of lamentable depression; and the question now is, whether we will suffer it to go down entirely, or attempt to raise it up to some degree of respectability. Some gentlemen say, "if you had asked for no more than the reparation of the frigates in ordinary, we might have granted your request." But, for myself, I would not thank any gentleman for this concession. The select committee conceived it to be their duty to bring the question fully before the House in the shape

in which they have exposed it. Not to ask merely what it would do to assist by naval co-operation, in the first efforts of the contemplated struggle, but principally what it would do towards establishing and perpetuating a respectable naval force for the protection of those important rights of the people, which are, and must continue, exposed upon the ocean. Their determination was plainly, candidly, and boldly, to speak to the House, and through it to the nation, on this great question, and leave its fate to the wisdom of the one and the good sense of the other.

That a respectable Naval Establishment affords the only effectual means of causing our commercial rights to be respected, will, as a general proposition, be denied by few persons, if any. But its adoption by us is deemed improper by those who oppose it, on the grounds of the enormous expense which, it is said, the establishment will necessitate, and the inability of the nation, by any force which it can provide, to resist, with effect, the immense naval power of Great Britain. Is it not surprising, that so much prejudice should exist against this establishment on account of its expensiveness, when it is ascertained that, during the whole eighteen years of its existence, from 1794, to 1811, inclusive, it has cost the Government only \$27,175,695? I am afraid I shall be tedious, because the only way in which I hope to bring conviction home to the minds of the House, is by entering, with minuteness and precision, into a dry detail of figures and statements; but the necessity of the case must be my apology for the course which I shall take. If the House shall have full confidence in my statements, much will be gained to the argument; for it will be difficult, if not impossible, for the hearer to follow me through an examination of these details, as the argument proceeds. For this confidence, therefore, I will venture to hope. I believe the statements on which I rely to be accurate, as far as accuracy is material to the discussion. I will state them with candor, and, when I have concluded, I will put them into the hands of gentlemen who may wish to examine them, for their own satisfaction, or to refute them. The average annual expense of this establishment, so much censured for its wasteful and improvident management, has but little exceeded \$1,500,000, which is not much more than twice the amount of the usual annual appropriation for our economical Civil List. It has been generally supposed, that it has been much more expensive than the Military Establishment, but I will show that this is not really the case. The expense of the Military Establishment, from 1791 to 1811, inclusive, has been \$37,541,669, giving an annual average of \$1,700,000, or \$200,000 per annum more than that of the Navy. It thus appears that, in the gross amount, as well as in the annual expenditure, the Army has been more expensive than the Navy. Compare, too, the services of the Army with those of the Navy, and it will be found that those of the latter have been most useful and most honorable to the nation. I know of no service of this character which the

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Army has performed, except the defeat of the Indians by General Wayne, and the late gallant affair on the Wabash. The Navy, in the contest with France in 1798, were victorious wherever it encountered an enemy, and probably laid the foundation of the subsequent accommodation with that nation. In the Mediterranean, its exploits gave a name to the country throughout Europe; humbled, in an unexampled manner, the piratical and barbarous foe, and crowned itself with a reputation for intrepidity and heroism, which had not been exceeded by the exploits of any nation, and which must go down to a distant posterity. I mean not, by this comparison, to say anything injurious to the Army, but only to declare that preference to which I think the naval services of the country are entitled. Admitting, if it be desired, that the Navy has heretofore occasioned an expense not warranted by its force or its services; and I cannot deny but that, from a variety of causes, the expense may have been unnecessarily great; an argument cannot thence be fairly drawn against its future use—the contrary is the fair conclusion. Past errors lay the foundation of future improvement. It was thus the greatest orator, and one of the greatest statesmen, of antiquity, reasoned. The great Athenian orator, when rousing his countrymen by his impetuous eloquence, to resist the ambition of Philip, declared that it was on their past misconduct that he built his highest hopes; for, said he, “were we thus distressed, in spite of every vigorous effort which the honor of our State demanded, there were then no hope of recovery.” So may we reason in this case; for had these extraordinary expenses been the result of good economy, then, indeed, would their diminution be hopeless; but, as they have proceeded from a wasteful or unskilful expenditure, the remedy will be found in a reform of the abuse; to effect this reform, is the duty of Congress. But it has not only been less expensive than the Army, but it may be proved, as the committee have declared in their report, that “a naval force within due limits and under proper regulations will constitute the cheapest defence of the nation.” This will be partly proved by a comparison between the expense of the permanent fortifications of our maritime frontier and that of an adequate naval defence. The experience of modern naval warfare has proved that no fortifications can prevent the passage of ships of war. The present fortifications of our maritime frontier, though they are more numerous and better than they have been at any other period in our history, cannot prevent an inconsiderable naval force from laying many of our towns in ashes. Indeed, it is believed that no fortifications which can be erected will afford a complete protection against such attacks, while their expense would be oppressive to the nation. The city of New York alone, if completely fortified, would require a further expenditure of three millions of dollars, and a garrison of ten thousand men, and then might be laid in ashes by four or five seventy-fours. But we have a coast of two thousand miles to protect, the expense of which

could not be borne by the nation. A better defence would be furnished by such a naval force as would give you a mastery in the American seas, and at home much less expense. I have taken the trouble, in the discharge of my duty as a member of the select committee, to ascertain the expenditures which have been actually made on account of fortifications, and they amount very nearly to \$6,500,000. It is necessary, in fairness, to state, that upwards of \$2,000,000 consist of the permanent appropriation annually made “for fortifications, arsenals, and armories.” I am not sufficiently acquainted with the application of this appropriation to say how much of it may have been expended on the fortifications of the maritime frontier, but gentlemen may make any deduction they may think proper on this account, it will not vary materially the general result. When the present fortifications shall be completed, and the additions made which will be authorized by the appropriations of the present year, it will require fifteen thousand artillerymen to garrison them, exclusive of such other force as will be necessary in case of attack. The report of the Secretary of War on this subject, which is among the printed documents on your table, requires, for the present fortifications, 12,600 artillerymen; and I think it fair to add the difference between this number and 15,000, the number which I have assumed, for additional fortifications which are deemed necessary, and will be provided for by the appropriations of the year. These men are to be enlisted, and to receive land and pecuniary bounties. If the lands thus given be estimated at two dollars per acre, which is the lowest price at which the officers of the Government are authorized to sell the public lands, and rather below the actual sales, they will amount, for 15,000 men, to \$4,800,000. It will be proper here to show that these land bounties are to be considered as an actual expenditure to this amount, as it may be supposed by some that the public lands are in quantity almost without limits, and that any number of acres may be disposed of in this way without perceptibly diminishing the public wealth. This, however, is not the case; the lands given in bounties will be thrown into the market in spite of any legal regulations that can be devised, and will, to their extent, supersede in the market those of the Government; they will, of course, be sold lower than the public lands, as the holders will sell at the price at which they may be able to force a sale. The weight of this argument, however, may be denied, but should it be diminished in any degree by the objections which may be made to it, the diminution will be more than compensated by a consideration of the disadvantages which the present States will suffer in having their population, already too much scattered, spread out to their extremes, a disadvantage more real to them than the expenditure of a considerable sum of money, nor am I to be understood in this as expressing any hostility to our territorial settlements, which ought to be treated with the justice to which they are entitled under our laws, and the kindness which they claim as our brethren.

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ren; but we are not therefore to disguise the fact, that, in a political view, the diffusion of a population, at present too little condensed, must be injurious to those whom we now represent. So much has been said of the land bounties, not merely for the support of the present calculation, but because it will be material in other views of this subject. It probably has been proved that it would be equally advantageous to the nation to pay the estimated amount out of the Treasury, were the money there, and not subject to more pressing requisitions.

Then, the land bounties may be estimated at - - - \$4,800,000
The pecuniary bounties will be \$240,000,
which, for even numbers, call - - - 200,000

Add to this sum the expenditures for the
erection of fortifications - - - 6,500,000

And they will make the sum of - - - \$11,500,000

This sum constitutes the first expenditure on account of the permanent fortifications and their defence; in other words, *the first cost*, and is exclusive of annual expenses—

The annual estimates for the support of
fifteen thousand men, will be - - - \$4,500,000

But we must add for repairs and extraordinaries, as our calculations relate to a
period of hostilities, at least - - - 1,500,000

Making, for annual expense, the sum of - - - \$6,000,000

The addition for extraordinaries is much below the probable fact; and, for the correctness of this opinion, I beg leave to appeal to my honorable colleague, the Chairman of the Military Committee, (Mr. WILLIAMS,) who has lately and fully turned his attention to the subject, and request him to correct me if I am wrong. Now, let us inquire, what will be the expense of such a Naval Establishment as the committee have proposed as a force competent to the defence of your coasting trade, and your ports and harbors. I must here take for granted, what shall be proved in the progress of the argument, that this force is competent for the object proposed.

Then, twelve seventy-fours will cost in building and equipping, according to the estimate of the Secretary of the Navy, \$333,000 each, or - - - \$3,960,000

Twenty frigates, averaging thirty-eight
guns, according to the same estimate,
will cost \$170,000 each, or - - - 3,400,000

Say, for even numbers - - - \$7,500,000

The annual expense, according to the same estimate, will be—

For twelve seventy-fours \$211,784 each,
say - - - \$2,500,000

For twenty frigates, \$100,000 each - - - 2,000,000

\$4,500,000

Then the comparative result will be:

Original cost of permanent fortifications and their defence - - - - -	\$11,500,000
Original cost of naval defence - - - - -	7,500,000

Leaving in favor of naval defence a balance of - - - - -	4,000,000
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Annual expense.—Of fortifications, gar- risons, &c. - - - - -	6,000,000
Of naval defence - - - - -	4,500,000

Leaving a balance in favor of our naval defence of - - - - -	\$1,500,000
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It is necessary, said Mr. C., that I should fortify every fact which I advance, as I proceed, for everything is denied. It is accordingly denied that the estimates of the Secretary are to be relied upon, for it is said that the estimates of that department have been frequently incorrect. This may have been the case in some instances; but it is denied that any of these errors are calculated to prove the present estimates to be incorrect, which are stated by the Secretary to be full, and which are founded on the whole of our past experience. The materiality of accuracy, however, in this particular, requires that every doubt should be removed; and it shall be done, if satisfactory proof can produce that effect. In the first place, the fulness of the estimates, which is the fact we have to prove, is confirmed by the fact alleged by the opponents of the Navy, that the expenditures on this object have been wastefully and unskilfully made, and therefore the introduction of better economy into the system will probably diminish the expenditures, and bring them below the estimates; it will, at least, give an assurance of their competency. But I will confirm the adequacy of these estimates by a comparison of them with the expenditures of the British Government on their Naval Establishment. The British Government has never been distinguished, at least not in modern times, for great economy. In relation to a navy, too, we have many advantages which that Government does not enjoy—the materials of a naval establishment are cheaper with us. The British nation imports nearly all of them from abroad—much of them from us. We have nearly all of them within ourselves. We know that ship-building is actually and practically cheaper with us than with them; we have, therefore, the advantages in these particulars. There is but one in which they incur, or can incur, a less expense than us, and that is in the seamen who man their navy; but this, as will be seen by reference to their estimates, is not among the largest objects of their expenditure. Our establishment, if properly organized and managed—and these are objects entirely within our own power—must be cheaper, in proportion to its extent, than that of Great Britain. Let us, then, compare the estimates of the Secretary with the experience of that country. My honorable friend, (Mr. BASSETT,) who was formerly the Chairman of the Committee on the Naval Establishment,

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and who, I regret, has been succeeded by one so much less able to do justice to the subject, has been so obliging as to put in my hands a statement of the naval appropriations of Great Britain, from an early period to the present time, from which I have selected one year as an example. It is fairly selected; it is the year 1801, the year in which the peace of Amiens was concluded, and in which I believe the active Naval Establishment of Great Britain was greater than in any preceding or any subsequent year. She had, at that time, in commission eight hundred and thirty-three vessels, and her appropriations were £15,800,000, equal to about \$65,000,000. This sum included the usual appropriations for building and repairs, and for the vessels in ordinary. Now, the estimates of the Secretary, for the annual expense of twelve seventy-fours and twenty frigates, amount to \$4,500,000, which is considerably more than one-fifteenth part of the annual expense of the whole British navy in 1801, while it is very obvious that they do not, in number or force, amount nearly to an equal proportion of their vessels. With this proof before us, it cannot be urged that the estimates on which I rely are not sufficiently large. But to prove more glaringly, though not perhaps more clearly, that a Naval Establishment is the cheapest defence that the nation can employ, permit me to institute a comparison between the expense of the military preparations which have been already authorized and recommended, as necessary for the present year, with the whole expense of the Naval Establishment from its institution to this day. The particulars of the military preparations for this year, are—

Bounty in money to thirty-five thousand men	\$560,000
Bounty in land to thirty-five thousand men	11,200,000
Estimate of the Secretary of War for support	10,500,000
Appropriations for volunteers	3,000,000
Appropriations for munitions of war	1,500,000
Appropriations for fortifications	1,000,000
	27,760,000
Extraordinaries	2,240,000
	\$30,000,000
Total expense of the Navy from its institution	27,175,000
In favor of the Navy	\$2,825,000

In the estimate of the expenses authorized by Congress for the present year, I have included the land bounties, as a fair item, for the reasons already urged; and I have added for extraordinaries only \$2,240,000, which is much below what will certainly be incurred, should the troops be called into service; and here, again, I appeal to my honorable colleague (Mr. WILLIAMS) to correct me, if I am wrong.

Let us now, as further proof of the superior cheapness of naval defence, compare the estimate

which I have just made of the expenses authorized for the present year with that of a Naval Establishment of double the force which has been supposed by the Secretary of the Navy and the select committee, to be sufficient to command the American seas, and to protect our ports and harbors. It will be found that this force may not only be built and equipped, but supported for one year at a less expense—

Twenty-five seventy-fours, at \$333,000 each, will cost	\$8,325,000
Forty frigates, averaging thirty-eight guns, at \$170,000 each	6,800,000
	\$15,125,000

Annual expense.

Twenty-five seventy-fours, at two hundred and eleven thousand dollars each, will cost	\$5,275,000
Forty frigates, at one hundred thousand dollars each	4,000,000
	9,275,000
	\$24,400,000

Expense of military preparations authorized for the present year - - \$30,000,000

In favor of Naval Establishment - - \$5,600,000

Besides, let it always be remembered that half this force is deemed, by those most competent to decide the question, sufficient to command our ports and harbors.

The superior cheapness of naval defence seems to me to be satisfactorily established, and I am next to prove that the force proposed—I mean twelve seventy-fours and twenty frigates—are sufficient to protect us in our own seas, and defend our ports and harbors against the naval power of Great Britain. The first evidence that is offered in support of this proposition, is the opinion of naval men; and if the representations of any man may be relied upon with confidence, so far, at least, as that they are not founded in deception, I believe those of a sailor may be. By naval men, I have been assured, that this force is adequate to the object proposed. It is impossible for me to state with accuracy, or in a manner calculated to give a due impression of them, all the reasons which they offer in support of their opinion, but among them are those detailed in the report of the select committee. Indeed, they advance the opinion, and support it with reasons, the error of which, if they be erroneous, I am unable to discover, that it will require the enemy to employ a triple force to put himself on a footing of equality with that of the United States. Their reasons are, as nearly as I can state them, these: there must be stationed on our coast, at any given time, an equal force; this force cannot be fitted out, unless with great disadvantage to the service in point of expense, and in respect to the health of the crew, for much more than three months' service. An equal force must be put in requisition and kept in readiness to relieve that on the

station. But, as all the equipments of the enemy must be made in Europe, the force destined to relieve the first, must be despatched by the time the first may be supposed to have arrived on our coast, because it will be necessary, at a period as early as the arrival of the second, for the first to return; but the first could not proceed to Europe, be equipped, and return to relieve the second in time; and therefore a third equivalent force is necessary, and thus three times the force of the United States must be employed by the enemy to place himself on a footing of equality with it. History may be resorted to, with confidence, to prove that neither Great Britain, nor any other nation, has ever been able to station, for any length of time, in distant seas, a force equal to that which, in the opinion of naval men, is sufficient to accomplish the objects proposed by the committee—the dominion of the American seas, and the defence of our ports and harbors. There is one fact which, above all others, shows the inability of Great Britain to keep a large fleet on our coast. From the frozen regions of the North to the Isthmus of Darien, she has not a port fit for naval equipment or repair, except Halifax; and if, as the opponents of the Navy seem to think certain, and I hope their opinions may be realized, we shall, in the event of war, deprive her of that, she will be without the means of repairing a disabled vessel in our seas. Under such circumstances, anything but temporary service would be utterly impracticable.

But, said Mr. C., on the subject of the British naval force, there is great misconception. The high-sounding number of a thousand ships appals the mind, and an examination of its actual force, and the numerous requisitions which are made upon it, is usually rejected as an idle labor. Let this examination be made, and at least some part of the terror which it excites will vanish. Of the eight hundred and thirty-three ships which Great Britain had in commission in 1801, and she never had more, it is believed, there were only three hundred and eighty-three that exceeded the size and capacity of the large privateers that will probably be fitted out by the citizens of the United States, in the event of war. Of this last number, there were one hundred and forty-two of sixty-four guns, and above; twenty-two between fifty and sixty guns; one hundred and fifty-six between thirty-two and forty-four; and sixty-three between twenty and thirty guns. The remainder of the vessels in commission, consisted of one hundred and seventy-four sloops, one hundred and forty-one gun-vessels, and one hundred and thirty hired vessels. These hired vessels are small vessels, of from four to ten guns, which it is believed, are only employed for revenue purposes. This review and enumeration, I have no doubt, proves the actual force of the navy of Great Britain, however great it really is, to be much inferior to the impression almost universally received, from the high-sounding boast of her thousand ships. Nor has the actual force of the British navy been more misconceived than the application of it. The common impression is, that the Government

can direct to any given point almost an unlimited number of ships. But if this delusive impression be removed, it will be found that, notwithstanding the greatness of the force, the points to which it must be destined are so numerous and dispersed as to put it all in requisition. This I will prove by reference to the distribution of her fleets in 1801. [Here Mr. C. read a statement of the force and distribution of the British fleet at that time.] From which of these stations, said Mr. C., could she have spared, with safety and prudence, a portion of the force employed? Could she, from all, have stationed and continued in our seas a force which would have been equal, under the disadvantages which have been pointed out, to twelve seventy-fours and twenty frigates? How much less would she have been able to have furnished a force which would be superior to a naval armament whose expense should equal that of the military preparations of the present year? But, it may be said, that the ships which Great Britain has in ordinary would be more than equal to any increase which any circumstances would require. This might be true, were her seamen unlimited in numbers, and her pecuniary resources inexhaustible; but both are limited, and so must be her naval armament. To fit out vessels which she has in ordinary, would require, within a few thousand, all the seamen in her merchant service, and such an addition to her annual expenditure, as the nation neither would nor could bear. The true object of inquiry to ascertain her efficient power is, what number of vessels is she practically able to keep in commission, and the answer may be received in a shape the most unfavorable to my argument, yet confirmatory of it, in the example of 1801, the year which I have selected for illustration, when it is confidently believed her equipment was greater, combining force and numbers, than at any other period of her history.

[Here Mr. C. closed his observations, for this day.]

On the 18th, Mr. C. continued.—I, yesterday, contended that the great commercial and agricultural interests of the nation, the natural advantages of the country, and the general policy and duty of the Government, concurred in requiring the establishment of a navy. I also answered the two great objections which are most relied upon in opposition to a Naval Establishment. But the subject must be considered in relation to other times and to other Powers with whose naval strength we shall have to struggle. It is unworthy of a nation looking to that greatness which must be our destiny, to limit its views to a single nation whose power, however great, is perishable, and whom many gentlemen think to be now tottering to her fall. We must take the whole extent of our relations into view in considering this question; and in doing so, we cannot keep out of sight the marine which the Emperor of France is so industriously and anxiously preparing and cherishing in the ports and harbors of those under his control. What do these preparations indicate? A settled determination to be-

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come a maritime power. And is it not worthy the wisdom and forecast of this nation, to look at the possible consequences of the Union of such a force with his irresistible power upon the land? It is not to be believed that the power of his great enemy upon the ocean will induce this extraordinary man to relinquish his determination or relax his exertions to create a navy. Let gentlemen not misunderstand me—I must consider the ruler of France as an extraordinary man, whether he be viewed as an instrument of vengeance and of wrath, in the hands of an Allwise Providence, to chastise us here below, or as displaying, in the noblest manner, the greatest energies with which humanity has been endowed. I mean not to be his panegyrist or his reviler. For my own part, I am disposed to consider him as a rod of chastisement to the nations of the earth; but, view him as we may, no wise politician can believe that this extraordinary man is governed by a short-sighted policy. It has been said that he is an enemy to commerce, and wishes to destroy it even in his own dominions; but a more idle fancy never entered into the mind of man. Has he possessed himself of the valuable ports of the Baltic, of Holland, and the Mediterranean, by force and by stratagem, for the purpose of destroying their principal value? His immediate object is, indeed, to make war upon commerce, but it is the commerce of his enemy, which he justly considers as the most vulnerable point of attack—on its fall, and the consequent fall of British naval greatness, he means to establish those of France. Will gentlemen, then, say that we are to have but one nation in view in our naval preparations? Assuredly, they cannot; and therefore, in relation to France and other nations, besides Great Britain, if any naval preparation be proper, under any circumstances, we ought at least to commence a system which may enable us to meet the exigencies of future times. We now say, we cannot encounter the strength of the British lion, because we are not prepared—delay your preparations, and you must hereafter, on the same principle, declare you dare not engage the ferocity of the French tiger. But, as we look at the subject, the prospect opens wider to our view. It is inevitably certain that the West India Islands will in time become independent—they must be naval, and, probably, from the character of their population, piratical—and without a naval force to defend our commerce, it will become the prey of pirates and buccaneers. But look still further, at Mexico, and, beyond the Isthmus of Darien, to South America; all of which must be soon independent; they must, too, become great, and powerful, and wealthy, and will not, probably follow our example; but, consulting their interest and their strength, will establish a naval power. In this view, we ought to be prepared for defence; but, in another view, we will want a naval force to protect that profitable commerce which must grow out of the proximity, and other relations of these countries, and our own, but which Great Britain, who aims at a monopoly of this trade, will not allow us to enjoy, if we cannot

protect it. There is another objection to a Naval Establishment, to which an answer must be afforded. It is alleged that, if we build a navy, we cannot man our ships without resorting to the odious and tyrannic practice of impressment. To this objection a very satisfactory refutation may be easily given. It is believed by many that the number of seamen does not exceed fifty or sixty thousand. I know not the cause of this error—perhaps it may proceed from some estimate which embraces only able seamen, and excludes the classes of half seamen and boys; both of which are included in the crews of vessels of war as well as merchant vessels. To prove the number of our seamen, I will refer gentlemen to “Blodget’s *Economica*,” where it will be found that, in 1806, including the classes of half seamen and boys, the number was 110,000. The United States had, at that time, 1,250,000 tons of shipping, and having now 1,488,773 tons, they must have, if this writer be accurate, about 125,000 seamen. But, to prove this fact, like others on which I rely, so as to leave no doubt upon it, I will show, by a comparison of our present tonnage with that of Great Britain, in a given year, and the relative number of her seamen in the merchant service in the same year, that we must, from the amount of our tonnage, have nearly the number which results from this writer’s estimate. Great Britain, in 1790, had about the same tonnage which we now have, viz: 1,460,823 tons, which were manned by 112,556 seamen. It is not material to my argument which number be taken; but if we recollect, the great portion of our tonnage which is engaged in the coasting trade, the vessels employed in which are smaller, and will, in proportion to their tonnage, require more hands than the large vessels employed in the foreign trade, we may be authorized to take Mr. Blodget’s estimate. It will only take one-eighth part of this number—about fifteen thousand—to man twelve seventy-fours and twenty frigates. It is not to be expected that, in the event of a war with a maritime power of strength, half our seamen will continue to be employed in the merchants’ service. Those discharged will be happy to find employment in the Navy. The embargo and non-intercourse laws, it is well known, threw into our maritime cities a great number of seamen, who would gladly have entered the Navy could they have found employment there. But it is supposed they would prefer serving on board the privateers, which would issue from our ports in such numbers and offer such advantages, as to require and attract all the seamen who should be discharged from the merchants’ service. This is very improbable. There would be upwards of sixty thousand thrown out of service, which would be a number sufficient to man the force proposed, and probably five hundred privateers besides. But it is perfectly in the power of the Government to institute such regulations as would insure a sufficient number of seamen for the national service, without any direct restraint upon their will, by limiting the number of privateers, should it be necessary. Taking, however, the worst view of the

subject, it would be unnecessary to resort to impressment. I believe the nations of the Continent have never resorted to impressment to man their fleets. I do not speak with certainty as to the fact, but I believe their practice was to cause their seamen to be registered, as our militia are, and, when necessary, a portion of them was draughted for the public service. It will hardly be objected, with respect to seamen, that they cannot be sent out of the United States. I presume even my honorable friends over the way, (the Federal gentlemen,) will waive their objection on this point. I feel confident that they will relax a little in their Constitutional difficulties in favor of our Navy! They will, indeed, have reason for it. The service is, in a great degree, the peculiar duty of our seamen, as the exertion must always be, in a great degree, for their peculiar defence. Their home is on the ocean, and their defence of the national rights upon it, may fairly be assimilated to the defence of the soil on which we live, by those who dwell upon the land.

But, while it is contended by some that it will not be in the power of the nation to establish an effective naval force, there are others who are opposed to it, lest we become too great a naval Power. They fear that our fleets will cover the ocean, and seeking victory on all the opposite shores of the Atlantic, involve the nation in oppressive expenses, and in wanton and habitual wars. Such objects are certainly not contemplated by the report of the committee; nor can such events possibly happen, as long as we remain a free people. The committee have recommended such a navy as will give to the United States an ascendancy in the American seas, and protect their ports and harbors. The people will never bear the establishment of a greater force than these objects require. The reasons which forbid Great Britain, or any other European Power, to station large fleets in our seas, will equally forbid us to cross the Atlantic, or go into distant seas, for the purpose of frequent or habitual wars.

But a navy is said to be anti-republican, because it was opposed by the Republicans in 1798. I apprehend, however, that it was then objected to, not because it was anti-republican in itself, but because the Republicans of that time believed it was to be employed for improper objects; because, while it was unnecessary at the time, it was of such a nature as only fitted it for the time, because it was part of a system which embraced unnecessary armies and unnecessary taxes and loans, to continue a war beyond the just objects of war—a war which, to use the language of the day, was to be waged by every man, woman, and child, in the nation, to which we are opposed.

We are told, also, that navies have ruined every nation that has employed them; and England, and Holland, and Venice, and other nations, have been mentioned as examples. The vast debt of Great Britain is declared to be among the pernicious fruits of her Naval Establishment. This I deny. Her debt has grown out of her profuse

subsidies, and her absurd wars on the land. Though the ruin, which is supposed to threaten England, is attributed to her navy, it is obvious, that her navy alone has saved, and still saves, her from ruin. Without it she must, long since, have yielded to the power of France her independence and her liberties. We are told that the same wealth which she has expended in supporting her navies would have been employed more profitably for the nation in the improvement of its agriculture and manufactures, and in the establishment of canals and roads, and other internal improvements. But experience is better than theory. Let us compare England with nations which have no navies, or comparatively inconsiderable navies. The nations of the Continent of Europe are without such overgrown and ruinous Naval Establishments, but do you there find the highest improvements in agriculture, the most flourishing manufactures, or the best roads and canals? No, it is in this nation, that has been ruined by her navy, that you find all these improvements most perfect and most extended. I mean not either to be the panegyrist of England; but these truths may be declared for our instruction, without suppressing the feelings excited by the wrongs she has done us. England has not, then, I conclude, been destroyed or impoverished, but preserved and enriched, by her navy. Was Holland ruined by her navy? No; surrounded by the great Powers of the Continent, with a population not exceeding 2,000,000 of souls, she protected and secured her independence for more than a century, against her powerful neighbors, by means of her commercial riches, which were cherished and defended by her naval power. Did Venice owe her decline, or fall, to her navy? While the neighboring Italian States were subdued, year after year, changing their masters and their tyrants, she long continued to ride triumphantly amidst the storm, independent, and, in a great degree, free. It was her naval and commercial power which made her rich and great, and secured her existence as a State so long. Look even at the little Republic of Genoa, whose inhabitants, but for its commerce and its navy, would scarcely ever have possessed "a local habitation," or "a name!" But I must have exhausted the patience of the House, I will therefore conclude the observations which I propose to make on the general merits of the question.

I must, however, yet be pardoned for making a few remarks on the particular provisions of the bill. The committee considered it their duty not to limit the objects of the report to such preparations as it might be proper or expedient to make to meet the present national exigency, but also to bring distinctly and explicitly before the House the more important question, whether the Navy of the United States should be cherished and supported with a fostering hand, or be at once abandoned? Both these objects are embraced by the bill. The first section provides for the repair of the frigates, which are now in ordinary. The question presented by this section the House have already decided by the adoption of one of the res-

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olutions of the Committee of Foreign Relations, which embraced the subject. The second section provides for the building of a limited number of frigates, averaging thirty-eight guns. It is my intention, according to the report of the committee, to move, when the section shall occur, to fill the blank with the number *ten*—the appropriation proposed is one million of dollars. The sum necessary to complete these frigates would be, including the sum proposed to be appropriated, \$1,700,000; but the present appropriation is limited to one million, because it will probably be sufficient to meet the expenditures of the present year. The United States have not, unfortunately, from the little attention heretofore paid to this subject, the materials, particularly properly seasoned timber, necessary to build these vessels immediately. Nor is the article of timber of the best quality speedily to be procured; and it is therefore intended, unless the exigencies of the country for naval defence shall render it imperiously necessary to proceed with more expedition, only to put it in the power of Government to provide the materials, and make such progress as may be consistent with the durability and substantial value of the vessels, for which an appropriation of one million of dollars is deemed sufficient. The committee would have recommended seventy-fours in preference; but, as the United States possessed the materials only for four vessels of this description, and as ten or twelve would be necessary to meet the objects for which they are supposed to be principally qualified, it was thought best, by a majority of the committee, to rely at present on the services of smaller vessels, as they will probably form a more active and more efficient *cruising* force.

The next section proposes the erection of a dock for the repair of the vessels of the Navy. It will be useful and economical, though we should not increase the size or the number of our ships, but it is considered indispensable, if we shall add large ships to our naval force. The appropriation required for this object is only one hundred thousand dollars.

The next section proposes an appropriation for the purpose of procuring ship timber. It is intended to fill the blank with the sum of two hundred thousand dollars per annum, for three years, and it is hoped and believed this appropriation will be sufficient to provide the timber which may be necessary for the construction of any navy which the United States ought at present to contemplate.

It is intended by another section of the bill, to separate the gunboats from the Naval Establishment; they appear to have no proper connexion with it, and swell very much the expenditure of the Naval Department. It is a fact that the estimates for the present year for the annual expense of sixty-two gunboats, are \$750,000, nearly one-third of the whole estimates of the department for the year. An expense altogether disproportioned to their utility, and which depresses the general character of the establishment. In consequence of the provision contained in this sec-

tion, no further appropriation will be required for the service of the year, in consequence of the frigates now in ordinary being put in service; as the frigates, when repaired, will more than supply the place of the gunboats, while their expense will not be so great; the appropriation, therefore, for the gunboats may be applied to them or the frigates in the alternative. The appropriation for the repair of the frigates in ordinary must follow, of course, the vote of the House on the resolution, which I have before mentioned; therefore, the additional appropriations contained by the bill, amount only to \$1,300,000, which must be considered as very small, when we contemplate the large expenditures authorized for other purposes, and the greatness and vital importance of the objects to which these appropriations relate.

NOTE.

Statements referred to in the argument.—Comparative expense of the Army and Navy.

Year.	Military Estab't.	Naval Estab't.
From Mar. 4, 1789, to Dec. 31, 1791	-	-
1791	\$632,804 03	
1792	1,103,048 47	
1793	1,132,443 91	
1794	2,589,097 59	\$61,408 97
1795	2,422,385 81	410,562 03
1796	1,246,327 82	274,784 04
1797	1,002,299 04	382,631 89
1798	1,939,692 39	1,381,347 76
1799	2,405,669 17	3,858,081 84
1800	2,517,409 99	3,448,716 03
1801	1,600,000 08	2,111,424 00
1802	1,179,148 20	915,821 87
1803	822,055 85	1,246,317 89
1804	875,923 93	1,273,860 25
1805	712,781 28	1,597,500 00
1806	1,224,355 38	1,649,641 44
1807	1,288,685 91	1,772,064 47
1808	2,900,834 40	1,884,067 80
1809	3,345,772 17	2,427,758 80
1810	3,700,000 00	1,660,000 00
1811	2,900,000 00	4,870,000 00
	\$37,541,669 00	\$27,175,979 00

British Navy, at the peace of Amiens, in 1801.

In commission	-	-	-	-	833
Receiving ships	-	-	-	-	24
Serviceable, and repairing for service	-	-	-	-	11
In ordinary at different ports	-	-	-	-	50
Building	-	-	-	-	28
Total	-	-	-	-	946

Comparison of American and British tonnage and seamen, in sundry years.

AMERICAN.

In 1806, 1,250,000 tons; 110,000 seamen and boys.
In 1811, 1,424,783 tons; 125,000 seamen and boys.
In 1810, were built 127,575 tons of new shipping.

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BRITISH.

In 1790, 1,460,823 tons; 112,556 seamen and boys
 In 1791, 1,511,411 tons; 117,044 seamen and boys
 In 1792, 1,540,145 tons; 118,286 seamen and boys
 In 1800, 1,905,438 tons; 143,661 seamen and boys.

Vessels annually built.

In 1798, tons - - - - - 89,319
 In 1799, tons - - - - - 98,044
 In 1800, tons - - - - - 126,268

SATURDAY, January 18.

Mr. JENNINGS presented a petition from the officers and soldiers engaged in the late expedition on the Wabash, praying for remuneration.

Mr. KENT, from the committee to whom the subject was referred, reported a bill for the relief of Ninian Pinkney, which was twice read and committed.

Mr. CONDR called up for consideration, a resolution which he had laid upon the table some days ago, requesting from the President of the United States information respecting seamen impressed into the service of Great Britain; and the House having agreed to consider it, Mr. C. proposed a modification of the resolution, by inserting the words, "and which information has not been heretofore communicated." He proposed also an additional resolution for the appointment of a committee, to arrange all the information on this subject, of which Congress was, or might be in possession, into one view, for the use of such of the new members as might not have had an opportunity of being acquainted with these particulars.

The adoption of these resolutions was objected to, as unnecessary. It was stated that cart-loads of documents had been already had on this subject; that by continual calls upon the Executive, that department was kept fully employed in answering these demands, when, perhaps, more important business required their attention; that no member could want information on this subject, after the volumes which had been published upon it; but if there were any such, they had only to apply to the Clerk's office, or the Library, to be fully satisfied.

The first resolution was rejected—the last was agreed to by a small majority, and a committee of five members appointed.

On motion of Mr. LEWIS, the bill for amending the charter of the City of Washington, was re-committed to the select committee who reported it, for amendment.

The SPEAKER laid before the House, a communication from the Postmaster General, containing a report on the subject of finishing the public building, commonly called Blodger's Hotel, which was referred to a select committee.

NAVAL ESTABLISHMENT.

The House then resolved itself into a Committee of the Whole, on the Navy bill; when Mr. CHEVES finished his speech in favor of the bill, as given in full in preceding pages.

Mr. SEYBERT.—I rise under a pressure of more than ordinary embarrassment—prudence on one

hand bids me shrink from the task which I am about to undertake; whilst on the other hand, a conscious duty impels me to engage in the consideration of the question now before the honorable Committee. My friend from South Carolina (Mr. CHEVES) says this question is all important to this nation; in this I perfectly coincide with him, and therefore cannot rest satisfied with a mere vote on this occasion. Sir, it is not my intention to follow the gentleman from South Carolina through all the windings of the labyrinth into which he has ventured to penetrate. I will not pretend to chase reason on the wing. This subject is one which may be demonstrated by figures and calculations—its investigation shall be attempted in this way.

The gentleman from South Carolina and myself do not differ as regards the intimate connexion of the agricultural and commercial interests. On this part of the subject, he has left nothing further to be said. But, sir, he mistakes when he remarked, that it was the common sentiment, that the commerce of the United States ought not to be protected—at any rate, for one, I will not be considered subject to this accusation, though I shall maintain, that we cannot protect the commerce of this country on the ocean. The facts in support of this opinion will be stated presently. In common with my friend, I will lay before this Committee "a dry detail of facts." I hope gentlemen will indulge me with a portion of their time, though there may not be much pleasure in hearing such details. I will not particularly follow the gentleman in his comparison of the Army and Naval Establishments of the United States. He has stated to us that the Army has cost this nation much more than the Navy; he concludes we ought to be equally liberal in our appropriations for both these purposes. Sir, I perceive no reason in this assertion. Some gentlemen on the other side of the House may say, that we have been lavish in our appropriations for an army; even admitting that in this respect we have been liberal to extravagance, it surely cannot be inferred that we should make ourselves doubly guilty of this charge. I will agree to make appropriations for the establishing a navy for the United States. The gentleman from South Carolina has told us, that when the war which we are about to wage, shall be over, our Army will leave us. Sir, I am happy to hear that on such an event the military will be readily disbanded—a dread of the contrary gave much uneasiness to many a few days since—this is just what we wish should take place. On the other hand, said he, "your proud Navy" will remain. It is for this, with many other reasons, why I am opposed to a navy. I wish he could have proved to us, that with the end of the war the Navy would also leave us; perhaps I should then agree with him in favor of its establishment: though the "proud Navy" will remain with us, he has neglected to tell us at what rate of expense.

Sir, the gentleman from South Carolina says, many oppose a navy, because they deem it an anti-republican institution. On this head, I shall

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remark but little: I will only ask if it is to remain with us in times of peace with its numerous train of officers, may it not become a powerful engine in the hands of an ambitious Executive?

Sir, it was thought proper to make the foregoing remarks as preliminary to the subject. The question of a Naval Establishment for the United States more especially concerns those who inhabit commercial districts. As one of these I am much interested. Many persons maintain, that a naval system of defence is indispensably necessary to a nation, whose seaboard extends more than 1,500 miles, with a shipping interest amounting to 1,300,000 tons—in this respect, ranking the second of modern nations. The argument is as specious as it is plausible; it is liable to many, and in my opinion, to insuperable objections. The proposition before us will be considered as leading to a *permanent* Naval Establishment. This course is warranted by the report of the Secretary of the Navy, as well as by the mode which was pursued by my friend from South Carolina. I shall not hesitate to declare my decided opposition to such an establishment, and will proceed to state the objections whereon my opinion is grounded. Sir, I deem it inexpedient to commence a permanent Naval Establishment at this time. We are quite unprepared for it—we are in want of all the necessary materials; though we have been told that our forests abound in all the necessary timber, it was said little of this material was to be found in our dockyards. The gentleman from South Carolina has told us, that a sufficiency of seasoned timber, to build four seventy-fours, was now on hand, and that the proper authority deemed it advisable to be used for frigates. Sir, this timber is a portion of that which was purchased some years since, for the purpose of building six seventy-fours. It now appears, that of this timber as much as was sufficient for two of these vessels, has been employed to build smaller vessels or gunboats, I presume. This is all a piece with our pretended economy. This mode of proceeding will not answer, sir. We are in the wrong from the commencement of our Navy. I do not wish it to be understood that I have decided a navy will never be a proper mode of defence for this nation—but whenever it shall be determined on, we should begin right; this can only be done by following those nations who have had most experience on the subject. Our first step should be to store away the proper timber. This should be done in times when we can best afford it—in times when our market is glutted—in times when labor can be commanded at fair prices—at a period when we enjoy peace, and surely not when we are about to engage in a war. We have heretofore paid the highest price for every article; we have given double wages for labor; and instances might be mentioned, when the workmen were transported in stage coaches, at an enormous expense, from our large seaport towns to the navy yard of this city. Contracts for timber were made in haste and at a very advanced price. As soon as it was obtained, it was put together, and in a few months we saw it floating in the form of a

ship of war—*rotten* ship, I may say, sir, for I believe without exception in the frigates, which were built by the United States, the more important parts decayed and were rotten in two, three, or four years.

In many instances the expense for repairs was equal to the original cost. A single frigate, the Constitution, has cost for repairs, from October, 1802, to March, 1809, the enormous sum of \$302,582 21, or upwards of \$43,000 per annum for seven years in succession. Sir, we are not without some “consolation” on this item. The Secretary of the Navy, in his letter of December 1, 1809, has drawn our attention to the subject. I beg leave to be permitted to read his remarks to the Committee: “The sum transferred in aid of the appropriation for repairs of vessels may appear large; but, pursuing the spirit of the act of 31st January, 1809, it was determined that the repairs made should be thorough and complete. In doing this, the disbursements have certainly been heavy. The price of naval stores, greatly and suddenly enhanced, has greatly contributed to swell them to their present amount. One very consoling circumstance for these heavy disbursements arises out of the fact, that all the vessels repaired, especially the frigates, have been so much improved in their armament, their other fittings, and their sailing, that the most experienced practical men pronounce them to be, at this time, greatly superior in all respects to what they were when first fitted out from the stocks.” I confess, sir, I am dissatisfied with this mode of improving our ships. It appears to me, it would be much better to follow the mode which is pursued in Europe. They begin by stocking their navy yards with the necessary raw materials. Instead of a few months, several years are allowed to elapse before they finish a ship-of-the-line. It is said they expose their frames for several years, under cover, before they are planked. When I passed through Chatham, I saw the famous *Ville de Paris*, a first-rate, on the stocks. This ship drew my attention. On inquiry, I was informed she was then upwards of ten years in her cradle, from the laying of her keel. Sir, it is to be hoped, before we should be able to build ships of war in a proper manner, that the contest we are about to engage in will have ceased. If the ships cannot be had ready for service, why commence building them under the present unpromising aspect?

Mr. Chairman, the great object of a Naval Establishment is declared to be the protection of our commerce against captures on the ocean. We will first turn our attention to that species of commerce which is generally termed the carrying trade; by this we understand the exportation of such articles as are not the productions of the United States. During the war between France and England, we were permitted to carry the productions of the West India islands, belonging to France, to the European markets. This privilege was granted to us on the part of France, solely because she could not protect and secure these productions in *transitu* to her ports

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in Europe. At this time these islands are in the possession of Great Britain, and she denies to us the privileges which we formerly enjoyed. This right on her part is founded on the usage of nations. The captured islands will only be again ceded to France, when peace shall take place; and then France will act as Great Britain now does. The experience at the termination of our Revolutionary war proves this beyond all doubt. We shall then only be allowed to carry rum and molasses from these islands, and these are articles which are not objects of re-exportation. So that, now and hereafter, we cannot expect to derive advantages from the carrying trade. Why then build a navy to protect this commerce? If we adopt the advice of my friend from South Carolina, we shall saddle the nation with a permanent expense for a navy, after an important branch of commerce has left us forever. I will even admit, sir, that we shall enjoy this trade—is it reasonable to suppose that we can protect it by a navy, when the navies of France, Spain, and Holland combined could not insure its passage to Europe?

Let us view this subject in a more extended sense—I mean as regards our commerce generally—we shall still have cause to entertain the opinion which we first adopted. We cannot protect our commerce on the ocean. Our ships have vexed every sea—we trade to all parts of the world; of course, to protect our commerce, our ships of war must abandon our coasts and encounter all the force of the enemy or those of Europe. The ports we have in view are European. If your frigates, for convenience and safety, are to cruise only on your coasts, what will be the fate of the millions which are embarked beyond the Cape of Good Hope? By this management surely you cannot afford it protection. France, Spain, and Holland, when combined and backed by an armed neutrality in the north of Europe, could not secure their commerce. The fleets of Great Britain now sail triumphant over every wave of the deep. The Russians have a navy far superior to that which it is proposed we shall establish, and they cannot protect their trade in the confined limits of the Baltic. They count fifty or sixty sail of the-line, besides many frigates and smaller vessels.

Sir, the expenses which are incurred by a Naval Establishment, far exceeds the profits which arise from the commerce which it is intended to protect. This proposition is warranted by the experience of Great Britain, the most commercial nation of modern times. In the year 1798, the total imports and exports of Great Britain amounted to £94,952,000. For the same year the expenditures for her navy amounted to £13,651,013, or about one-seventh of the total imports and exports, or fourteen per cent. on the total capital employed in commerce. What regular trade can yield such profits on the outward and inward cargoes? To me this is a secret. In the year 1799, Mr. Pitt computed the profits on the commerce of Great Britain at £12,000,000, or one and a half millions less than the expense for her navy the preceding year!

Sir, the expenses which are necessarily connected with a Naval Establishment, constitute a very serious objection to it. At this time, the annual expenditures for the British navy amount to nearly £17,000,000, or \$80,000,000. Every succeeding year brings with it an increase of expenditures. This has been the result year after year since the commencement of the institution. Our prospects will be the more evident, when we take a view of the expenses which have been already incurred for the infantile establishment of our country; we shall be led to the same conclusions. The American Navy was commenced in the year 1794, and by the end of the year 1811, the expenditures amounted to \$27,456,979—a sum much greater than the one-half of the public debt on the 1st of January, 1812. This would have been much better applied, had it been placed with the Commissioners of the Sinking Fund. I will ask the gentleman from South Carolina, what has the nation benefited for this enormous expenditure? What would have been the amount expended, had this engine been Herculean, with Admirals of the Red White and Blue squadrons, with numerous dock and navy yards, placements, &c. &c.? For we shall gradually advance to all this, if we do not stop short at this time. For the benefits of such appendages, I will refer you to a statement made to this House, the last session, concerning the navy yards belonging to the United States; especially to the details of the expenditures of that connected with this city. The document I refer to, was laid before this House on the 25th February, 1811. It will inform you, sir, that the value of the work done from the 1st of January to the 31st of December, 1810, was \$73,947 52. The commandant confesses, in his returns made to the Secretary, that this work, in many instances, is rated twenty per cent. above the prices paid in other places. The salaries in this same yard, for the same year, (1810,) amounted to \$95,637 64½. So that the pay for the salaries and the wages at this navy yard, exceeded the value of the articles manufactured, even when rated far above the fair prices, in amount \$21,790 12½! This establishment is under the immediate eye of the Government; we might suppose every attention was paid to economy; if so, who will desire further proofs of the advantages of a navy!

Sir, if we follow the British in the principle, we must look for the same results. The expenses of a navy are not only enormous, but, sir, they increase in a ratio far beyond the increase of force. From the year 1701 to 1801, the vessels in the British navy increased fourfold in number, at the same time the expenses increased in a twelvefold ratio—they are 270 greater now than they were in the time of James I. In 1701, the British navy consisted of 256 vessels; its annual expenditure amounted to £1,046,397, or \$4,650,653. In the year 1793, the vessels increased to 946; and the annual expenditure to £13,651,013, or \$60,681,502.

Sir, we will now compare the force with the rate of expense. This will be done by dividing the sum of the annual expenditures by the number of guns employed. The House will indulge me

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whilst I read the statements contained in an official document. On the 4th of December, 1809, we had in commission the following force:

3 vessels carrying	44 guns each,		
1 vessel	do.	32	do.
1 do.	do.	20	do.
2 vessels	do.	18	do.
2 do.	do.	16	do.
2 do.	do.	14	do.
2 do.	do.	12	do.
1 vessel	do.	19	do.
2 bombs and 22 gunboats,			

making vessels in commission 38, but 4 of which were frigates, the remaining 34 were small vessels, and of these 22 were gunboats; they mounted a total of 338 guns. The annual expense of this force was \$2,427,758, or \$7,182 70 per gun.

Sir, the expenditures for the year 1809 were not the greatest in amount; those for the year 1800, were \$3,448,716. I do not wish to view the case in a worse light than positive facts will place it. We will therefore pay attention to the statements and estimates made for the current year, (1812.) In the report of the Secretary, now on our tables, he contemplates five frigates, carrying 200 guns; three ships, 52 guns; seven brigs, 100 guns; 62 gunboats, 62 guns; a total of 414 guns. The annual expenditure is computed at \$2,502,003 90; or \$6,043 per gun. Expenses always exceed the estimates. In the report, the Secretary reasons on "the present state of things in Europe," and calculates that "12 sail of seventy-fours, and 20 well-constructed frigates, rating generally not less than 38 guns, with the addition of our smaller vessels now in service," as sufficient to protect our coasting trade, as competent to annoy the commerce of an enemy, and to protect our harbors. Mr. Chairman, if the system the Secretary has laid down, be adopted, we shall have 888 guns on board the 12 seventy-fours, 760 guns on board the 20 frigates, 152 guns on board the small vessels now in service, and 62 guns on board the gunboats, which are included in the statement. This will make a total of 1,862 guns; the annual expenditure for which will be, at the rate of \$6,043 per gun, \$11,252,066. This will be the annual expense, allowing the increase of expenditures to multiply only in the ratio of the increase of force! Besides this, sir, we must add the enormous sum of \$8,134,000, the cost of the building and equipping of the ships in the first instance. How many more millions are to be added for contingencies, and repairs? This is a gloomy prospect. A prudent conduct will relieve us of the pressure.

Sir, my friend from South Carolina has declared that 25 seventy-fours, and 40 frigates, might be built, equipped, and supported, the first year, at an expense of \$25,000,000. This calculation must rest on conjecture, as many others have done before.* This gentleman has too much respect for

himself and the House, to attempt anything like trick; in no man do I confide more than in him; but in this instance he certainly must be mistaken.

Sir, we have estimated the expenditures of a Naval Establishment. How are they to be met by this nation? is a question of primary importance. Our most prosperous year never yielded a revenue of \$17,000,000. In case of war, can we calculate on \$3,000,000 from the usual sources? Loans and direct taxes can alone support a Naval Establishment. Like the British, we should find the profits on our commerce insufficient to defray the expenditures necessary, independent of those for the civil list; for the interest on the public debt, and for the support of the Army. To me it is indifferent, whether the Navy will cost more or less than the Army has done. My first inquiry relates to its utility and efficiency, and then we should ask, can the nation with propriety meet the demands necessary to maintain it? Sir, on this subject I agree so perfectly with an author of considerable merit (Sinclair,) that I will impose on the House by reading a passage from his book on Revenue—page 308, he says:

"It is at sea, where all the modern nations have wasted their strength. It is on that element that those debts have in a great measure been contracted, under the pressure of which they now groan. Had the rage of equipping numerous fleets, and building ships of great magnitude and dimensions, never existed, hardly any State in Europe would have been at this time in debt. To that fatal ambition their present distressed and mortgaged situation ought chiefly to be attributed."

Sir, I further object to a navy, because the force which it is possible for the United States to bring into action, will prove inadequate to combat that of the enemy—we cannot contend with Great Britain on the ocean. It is idle to be led astray by misstatements and false pride—we have no reason to expect more from our citizens, than what other brave people have performed; the better way will be to compare our strength with that of the enemy. The following is a statement of the British Navy in July, 1811, taken from Steele's list: at that time they had a total of 1,042 vessels; 719 of which were in commission; 548 at sea; 261 in ordinary and repairing for service; 62 were building, of these 39 are ships-of-the-line, and 19 frigates. At the above period there were stationed in the American seas 111 vessels; 7 of which are ships-of-the line; 2 fifties or forty-fours; 31 frigates; 29 sloops; 25 brigs; 1 cutter, and 16 gun-vessels. This force was distributed as follows:

At Halifax and Newfoundland, 3 ships-of-the-line; 1 fifty; 5 frigates; 11 sloops; 2 brigs; 7 gun-vessels—total 29.

West Indies, viz: Leeward Islands, Jamaica, and on passage—2 ships-of-the line; 1 fifty; 19 frigates; 17 sloops; 20 brigs; 1 cutter; 9 gun-vessels—total 69.

South America—2 ships-of-the line; 7 frigates; 1 sloop; 3 brigs—total 13.

If the above vessels are rated as follows, viz: the ships-of-the-line at 74 guns; the frigates at 32; sloops at 16; brigs, cutters, and gun-vessels at 8 guns each, the force stationed in the Ameri-

* His calculations are grounded on the estimates of the Secretary of the Navy. I have already observed, that expenditures always exceed the estimates. Experience warrants this assertion, in every instance concerning our Naval Establishment.

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can seas will mount a total force of 2,350 guns; that on the Halifax and Newfoundland station alone will mount 680 guns; a force in itself very superior to that of all the vessels belonging to the American Navy, independent of gunboats. The American vessels now in actual service are—5 frigates, 3 ships, and 7 brigs, besides gunboats. We have in ordinary—5 frigates, (two of which are probably so rotten as to be unworthy of repairs,) besides gunboats. Our whole force amounts to but 20 vessels, independent of gunboats, and mounts a total of 524 guns!

Sir, I fear the British force in the American seas is too competent for our interest—they may despatch many more. The statement of the gentleman from South Carolina, (I allude to his reference to the navy list for 1801.) was very favorable to his purpose. I do not attribute his using it to any sinister views; I know he was not in possession of that for the last year.

The British stations at Halifax and Bermuda afford every facility to fit and repair. They from thence can at all times watch our vessels; and, sir, they will not neglect to oppose them by a double force. From the view we have just taken, I ask you, sir, what must be the probable result of hostilities on the ocean?

Sir, we shall find it very difficult to man a considerable fleet in the United States; seamen will not abandon the merchants to enter on board ships of war at half the rate of wages; numerous privateers will be fitted out in all our ports, they will pay higher wages than the Government, and the best men will be diverted from the national service. Sir, we need the best seamen to combat those of Great Britain; they have the advantage of long experience in the best regulated service. I entreat you, at no time despise your enemy, you will thus be the better prepared to encounter him. I cordially assent with my friend from South Carolina in the declaration, that the American tars are as brave as those of any other nation; but, sir, at the same time we must do justice to those of Great Britain, they are not to be treated with contempt. Men are of more consequence than ships; the naval combats of Europe prove, that a small number of the ships well manned, will defeat a greater number when they are indifferently manned. The contest between Great Britain on the one part, and France and Spain on the other part, are decisive on this head. Sir, to man our ships we should have to resort to the odious practices of Great Britain and France; impressment and naval conscription would be the order of the day. Men of observation and experience declare these as the inevitable consequences of a naval establishment—press-gang would disturb the peace of your cities—your seaports would become the constant theatres of riot and debauchery. Sir, the citizens would not yield to this state of things; personal liberty in our country is too highly prized to suffer such violation.

The gentleman from South Carolina thinks that impressments are not absolutely necessary to man a navy; he doubts whether this method is adopted in any other country besides Great Britain. I

will read an official document to satisfy him on this subject; it is a letter from Mr. Russell, our Chargé d'Affaires at Paris to Mr. Monroe, dated July 14, 1811:

"Sir, I have the honor to hand you, herein, a copy of my note of the 18th inst., to the Duke of Bassano, claiming the release of twenty-three American seamen, stated to have been *pressed* into the French service at Dantzic and its vicinity. When I called on the Duke on the 9th, he acknowledged the receipt of this note, and said that he should immediately write to the Minister of Marine on the subject. In the conversation which I had with him yesterday, he informed me that he had performed this engagement, and that the Minister of the Marine had replied that no American citizens had been pressed by his orders; that the city of Dantzic had been required to furnish a certain number of seamen, and was alone responsible for the manner in which it had complied with this requisition. The Duke of Bassano also added, that my note had been laid before the Emperor, and that His Majesty had ordered that on the arrival of the seamen from Dantzic at Antwerp, where they were expected yesterday, all that were American citizens should be discharged, and the city of Dantzic should be required to furnish others in their stead."

Sir, I further object to a navy, because it will be the means of exciting many wars, which, without the establishment, may be honorably avoided. It is said, nations are involved in war, in proportion to the extent of their navies, and some assert (Brougham) that a perpetual war is one of the two modes which are necessary to support a powerful naval establishment. Sir, a naval establishment will create a new and a dangerous interest in our country. Nothing is more common than to be told, that such are the wishes of the naval interest of Great Britain, and that this or that war must be entered into to gratify them. For my part, sir, I shall be very sorry indeed, if ever the period arrives in the United States, when any particular interest or community shall direct the Government, whether it be naval, agricultural, manufacturing, or commercial—the general welfare should be the sole great ruling principle in the National Councils.

Sir, I am deterred, when I consider the fate of all those nations who at different periods have been famous for their navies. The naval strength of the Hanseatic League was such, two centuries past, as to excite terror on the part of England. These, sir, distant free cities, are now the appendages of mighty France, and have no political existence. Who has not heard of the once formidable fleets of Venice and Genoa? At one time England was indebted to the latter for officers to command her ships of war—Alas! these Republics are now consigned to oblivion. Denmark was at one time the mistress of the ocean; by means of her fleets she often invaded England, and held her in a state of subjection. The Danes heretofore burned London, Paris, and other great cities—they are now controlled by France, and they have had their Copenhagen defeat. Holland, with her Van Tromps and De Ruyters, occupied the British Channel at pleasure; this Power defeated the navies of England and France.

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Where is Holland now? Incorporated as a part of the French Empire. Spain boasted her invincible armadas; Elizabeth of England, by nature haughty, proud, and ambitious, trembled at the very mention of them, until they were dispersed and destroyed by storms at sea; Spain is now the vassal of France. Not very long since the navy of France sailed triumphant along the British coast, looked into Portsmouth harbor, and taunted British spirit. I ask you, sir, where is the strength of which these nations formerly boasted? All are inoperative, and dread the gigantic power of the British navy—they are in part sick in dry docks, or are blockaded in their ports.

Mr. Chairman; Great Britain, though at this time triumphant in every sea, if she persists in her expensive naval establishment, with her present debt of £800,000,000, which was chiefly created for her navy—Great Britain, sir, I say, with all this, must sink under the heavy pressure. She will hereafter derive very little satisfaction from her brilliant victories on the 1st of June off Cape St. Vincent, Camperdown, Aboukir, and Trafalgar.

Shall I be pardoned, sir, when I fear our vessels will only tend to swell the present catalogue of the British navy? Of the 1,042 vessels which she possessed in July, 1811, one hundred and nine were captured from the French, forty-six from the Danes, twenty-five from the Spaniards, twenty-four from the Dutch, and three from the Italians; making a total of two hundred and seven captured ships, or one-fifth of her whole navy.

Small ships are proper for the service of the United States—by their agency we shall be able to annoy the convoys of an enemy. The privateers which were fitted out in every port during our Revolutionary war, destroyed much of the British commerce, even in the British and Irish channels, whilst the frigates which were built by the Government, did little or nothing—but two of them remained at the conclusion of the contest. The enemy will not watch your small vessels; they may enter all your small inlets, where heavy vessels cannot venture to approach them; and, at the conclusion of the war, they may be sold for the merchant service. I shall not follow the gentleman in his remarks on the bill before the Committee; I shall vote against it, though it is my present intention to appropriate the sums requisite for the repairing and equipping our present ships of war. I will go no further. I tell you, sir, naval victories in the end would prove fatal to the United States; the consequences which have uniformly followed in other countries must take place here. If the United States shall determine to augment their navy, so as to rival those of Europe, the public debt will become permanent; direct taxes will be perpetual; the paupers of the country will be increased; the nation will be bankrupt; and, I fear, the tragedy will end in a revolution.

Mr. McKee rose, with deference, to perform a duty which he owed to his constituents, by delivering his sentiments on the very important sub-

ject before the Committee, though he confessed himself very inadequate to do justice to it. He deemed the question of great magnitude; as he feared, if we were to proceed to build up a large Naval Establishment, it would affect the destinies of this nation to the latest posterity.

The gentleman from South Carolina (Mr. CHEVES) has said, that it is time to go into the establishment of a permanent Navy, because the vessels already on hand would be liable to decay. If it should be the will of Congress, said Mr. McK., to go into the business of building a Navy, it will be necessary to enter upon it with all possible energy. Therefore, if any attempt should be made to lessen our present force, he should be opposed to it. But he was decidedly opposed, and forever should be opposed, to the application of a cent to repair those old hulks of vessels which are fit only for fuel.

The gentleman from South Carolina has said, that he has great prejudices to encounter. Mr. McK. would have thought that the deliberate opinion of a majority of Congress, expressed upon more than one occasion, was entitled to a more respectful term than *prejudices*. Those decisions proceeded from the honest convictions of some of the best friends of the country. Mr. McK. would refrain from noticing the reasoning of the committee in their report on this subject. They say, "The important engine of national strength and national security which is formed by a naval force has hitherto, in the opinion of the committee, been treated with a neglect highly impolitic, or supported by a spirit so languid, as, while it has preserved the existence of the Establishment, has had the effect of loading it with the imputations of wasteful expense and comparative inefficiency."

Mr. McK. asked whether the ingenuity of man could find language which could cast a more severe censure upon the late Administration, than is contained in these strictures of the committee. It is well known, that our Treasury was in flourishing circumstances during the late Administration, and yet no recommendation was made by the Executive in favor of increasing our Naval Establishment. The extension of the Navy was not thought of till the year 1812; but now we are told, that, to neglect the commencement of a permanent naval system, "impolitic under any circumstances, is the more so, when it is demonstrably clear that this nation is inevitably destined to be a Naval Power."

Mr. McK. denied this doctrine, that "it is demonstrably clear that this nation is inevitably destined to be a Naval Power;" and he believed, that, if the attempt were made to make it such, it would prove the destruction of our happy Constitution. He would proceed to show on what ground he supported the opinion that the maintenance of a permanent Naval Establishment would prove ruinous to this country. For this purpose, he should be under the necessity of submitting some calculations to the House; for, though he had heard a course of this kind condemned, as fit only for the counting-house of the merchant, he

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considered it as the most conducive to correct legislation. It is certainly a matter of just calculation, when we are called upon to establish a permanent Navy, to show that such an institution would cost more than any advantages to be derived from it would compensate.

Having said this much in favor of this mode of *counting the cost*, he hoped, if he should make any incorrect statement, that it would be rectified by gentlemen better acquainted with the subject than he pretended to be. And though his calculations might in some instances be thought at present too high, he would venture to say, that hereafter they would be found to be under the truth:

For the year 1812.

The ordinary expenses, including the present Army and Navy, agreeably to Secretary of the Treasury's report, will be -	\$9,400,000
Expense of the new Army of 30,000 men, and 50,000 volunteers—allowing 30,000 only to be called into service—exclusive of bounties, estimated at one million for every 3,000 men -	10,000,000
Bounty and allowance of \$2 a man for recruiting, say 30,000, exclusive of the land bounty -	540,000
Repairing the old ships, and half years' service, as estimated by the Secretary of the Navy -	714,981
Building the new frigates, this year's appropriation -	1,000,000
Appropriation for munitions of war -	1,500,000
Expense of fortifications, (as per report,) purchasing of timber, docks, and a new navy yard -	2,000,000
The Navy, including the vessels proposed to be repaired, which cost originally \$2,285,000—one-twelfth part of which sum will be required annually for substantial repairs -	190,416
	25,345,397
From which amount, deduct this year's revenue, as estimated by the Secretary of the Treasury -	8,200,000
	17,145,397
Remaining in the Treasury, \$3,946,418; of which, \$2,947,818 may be applied towards the above deficiency -	2,947,818
Balance to be provided for by loans	\$14,197,579

Mr. McKEE supposed that the current expenses of the Government for the year 1813 would be the same as in 1812. He would, therefore, make an estimate of the amount of disbursements for that year.

For the year 1813.

Current expenses -	\$19,400,000
Annual expense of the new Navy, including the repaired frigates -	1,549,962
One-twelfth of the cost of the Navy for repairs -	357,083
For finishing new frigates, and supplying deficiencies on this head -	1,000,000

Appropriation for the twelve seventy-fours, (say one-half the sum necessary to build them) -	1,998,000
Interest on the new debt of 14 millions -	840,000
	25,145,045
From which deduct the annual receipts, allowing them to be equal to those of 1812	8,200,000
	16,945,045
Allow for taxes and excess of calculation -	2,945,045
Balance to be supplied by loans -	\$14,000,000

For the year 1814.

Admitting the Army to be reduced to 20,000 men, the current expenses will be	\$16,066,666
Annual expense of the new frigates, including repairs -	1,907,045
Annual expense of six seventy-fours, including repairs -	1,436,204
Appropriation for finishing the other six seventy-fours -	1,998,000
Interest on the new debt of 28 millions -	1,680,000
	23,086,915
From which deduct the annual revenue -	8,200,000
	14,887,915
Suppose taxes, &c., to pay -	887,915
Balance to be supplied by loans -	\$14,000,000

For the year 1815.

Current expenses, same as 1814, Army included -	\$16,066,666
Annual expense of frigates, including repairs -	1,907,045
Annual expense of twelve seventy-fours -	2,872,408
Interest on the new debt -	2,520,000
	23,366,119
Deduct the revenue -	8,200,000
Balance to be supplied by loans -	\$15,166,119

For the year 1816.

Current expenses, same as last year -	\$16,066,666
New Navy, annual expenses -	4,779,453
Interest on the new debt -	3,360,000
	24,206,119
Deduct the revenue -	8,200,000
Balance to be provided for -	\$16,006,119

For the year 1817.

The permanent burdens of this year, when the Army may, and perhaps will be, disbanded, will be—	
Current expenses, same as in 1815, without the additional Army -	\$9,400,000
Additional for new Navy -	4,779,453
Interest on 70 millions new debt, at 6 per ct. -	4,200,000
Total expenses -	\$18,379,453

There is, said Mr. McKEE, this striking differ-

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ence between a Military and a Naval Establishment: when your Army has effected the purpose for which it was raised, you can disband it; and the men who composed it will return home to their families, and become useful members of society. Not so with respect to your Navy. You will have to be burdened with the expense of that Establishment in peace as well as in war.

Having shown, in a manner at least satisfactory to himself, that the expenses of the Government in the year 1817 will be upwards of eighteen millions of dollars, he would endeavor to show what would be the expense, provided Congress were to adopt the course recommended by the gentleman from South Carolina, of building 25 seventy-four gun ships and 40 frigates:

Twenty-five seventy-fours and forty frigates would cost, in building - - -	\$15,165,000
Annual expense of 25 seventy-fours - - -	5,294,600
Annual expense of 40 frigates - - -	4,200,000
One-twelfth part of original expenses for repairs - - -	1,263,750
Annual expenditure, same as this year - - -	9,400,000
Interest on eighty millions of new debt - - -	4,800,000
Total expenses - - -	\$24,958,350

This course would produce a new public debt of \$30,000,000, and an annual expenditure of \$25,000,000. He left members to determine where this money was to be procured, and in what manner the annual expenditure could be provided.

Mr. McK. said, he would now take some notice of the resources of this country in relation to revenue; and he could say, that, on this subject, he had prejudices to meet. He said, *prejudices*, because he had heard a gentleman in this House, speaking of our resources—alluding to public lands—declare this source of revenue as worth to the United States ten hundred millions of dollars. ! This declaration he considered as extravagant as if each of our gunboats was declared to be equal to a 74-gun ship; and that, therefore, we had a fleet of 180 sail-of-the-line. Since the public lands had been offered for sale, the receipts into the Treasury from that source had not averaged more than \$600,000 per annum, at a time when the best lands too were in the market. The public lands may, therefore, as a source of revenue, be estimated at \$10,000,000. But, gentlemen say, there are 300,000,000 of acres of public land, and each acre worth \$2—making \$600,000,000 ! But they seem not to recollect that one-third of this land is barren heath, that will never sell for a cent; and that it will require 100 years, perhaps, to sell the balance. And \$10,000,000 laid out at interest, adding the interest to the principal yearly, or even at the end of the time required for the interest to equal the principal, would exceed any sum for which the public lands will ever be sold. Calculations with regard to direct taxes were equally fallacious. It is said that the people of this country are wealthy, and able to pay large taxes. It is true, that there is great wealth in the hands of the people of this country—perhaps the people of

no country possess greater wealth—and hence the inference is drawn that they are able to pay heavy taxes. But, when the Constitution of the United States is examined in relation to this subject, we find that direct taxes must be laid in proportion to population. In considering, therefore, what sum you may levy, you cannot exceed the sum which it is within the power of the poorest State to pay. The State of Ohio, perhaps, is one of the poorest States in the Union. This results from the recent date of her settlements. The people who emigrate to that State settle down in the forest, and their capital is expended, first, in the purchase of the land, (for a part of which many of them are still in debt;) and, secondly, in the improvement of their lands, which has extended generally no further than to yield to the inhabitants the means of comfortable subsistence—leaving nothing, or but little, for exportation. Their means of paying taxes are, therefore, limited. A tax of \$100,000 on the State of Ohio would be a grievous tax; though to Connecticut, Maryland, or South Carolina, it would be inconsiderable, and not felt at all; because the lands in these States are mostly in a high state of improvement, and the inhabitants enjoy the advantages of a productive capital, accumulated by the industry of past ages. One county in the State of Maryland could pay as much tax, without embarrassment, as the whole State of Ohio. But you are unable to lay your hands on this wealth while your Constitution remains unchanged, and consequently you cannot levy large taxes.

If you proceed in the course now proposed, and incur an annual expenditure of \$18,000,000, how are you to raise the money? Suppose your revenue arising from commerce should again reach \$14,000,000 per annum—which will not be the case in time of war, and it is scarcely to be expected on the recurrence of a general peace—a balance of more than \$4,000,000 will remain unprovided for, which must be supplied by taxes. The taxes of 1800 (the most productive year) only brought into the Treasury about \$1,500,000; and even these taxes were thought grievous. And the system now proposed will render a permanent tax of more than \$4,000,000 necessary to meet the current expenses of Government. And when your political horizon shall again be overspread with difficulties and dangers, your debt will grow apace, and your annual expenditure in the same proportion, and eventually you will be cursed with the same miserable state of political existence under which the devoted people of England now groan.

But, if the Navy project be now abandoned, the nation will not incur, in the proposed contest, a new debt of more than \$55,000,000, and the annual expenditure will not much exceed \$12,000,000 per annum. In order to substantiate this fact, he would submit a statement, predicated on the same facts on which his preceding statement was founded, omitting the items of naval expenditure, which is as follows, to wit:

For the year 1812.

Current expenses, as estimated by Secretary of the Treasury, in his annual report \$9,400,000

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Expenses of 30,000 men, in actual service, including \$540,000 for the recruiting service - - - - - 10,540,000
 Munitions of war already voted, \$1,500,000, and \$1,000,000 for fortifications, required by the report of the Secretary of War - - - - - 2,500,000

From which deduct the revenue, supposed to amount to - - - - - 8,200,000

\$14,240,000

This sum may be credited by \$2,947,818—the money in the Treasury—leaving a balance of \$1,000,000 in the Treasury - - - - - 2,947,818

Balance to be borrowed - - - \$11,292,182

For the year 1813.

Current expenses, including the Army of 30,000 men - - - - - \$19,400,000
 Interest of the new debt of \$11,292,182 - - - - - 677,530

20,077,530

From which deduct the revenue, supposed to be - - - - - 8,200,000

Balance to be borrowed - - - \$11,877,530

For the year 1814.

Current expenses, including an Army of 20,000 men, allowing that such reduction may then take place - - - \$16,945,045
 Interest on the new debt of \$23,169,711 - - - - - 1,390,182

18,335,227

From which deduct the revenue, supposed to be - - - - - 8,200,000

Balance to be borrowed - - - \$10,135,227

For the year 1815.

Current expenses, including the Army, the same as for the year 1814 - - - \$16,945,045
 Interest on the new debt of \$33,304,938 - - - - - 1,998,296

18,943,341

From which deduct the revenue, supposed to be - - - - - 8,200,000

Balance to be borrowed - - - \$10,743,341

For the year 1816.

Current expenses, the same as for the year 1815 - - - - - \$16,945,045
 Interest on the new debt of \$44,047,279 - - - - - 2,642,847

19,587,292

From which deduct the revenue, supposed to be - - - - - 8,200,000

Balance to be borrowed - - - \$11,387,892

For the year 1817.

The permanent burdens for this year, when the Army will probably be disbanded, will be—

Current expenses, the same as for 1812 - \$9,400,000
 Interest on \$55,435,171—say \$55,000,000
 —of new debt - - - - - 3,300,000

Total - - - - - \$12,700,000

If, said Mr. McKEE, our commerce in the year 1817 should resume its former activity, we shall not only be able to meet the current expenses of the year, but to appropriate portions of the revenue to the discharge of the public debt; so that, in ten years of peace and prosperity, our debt will be nearly paid off, and we should be in a condition to commence a new war, if the public good required it.

Mr. McK. had said, this nation was not destined, under the present Constitution, to be a great Naval Power; and he maintained that the statements which he had exhibited—and which he believed, for the purposes of argument, would be found substantially correct, when tested by experience—went conclusively to show that the expenses of the Naval Establishment of ten frigates and twelve seventy-four gun ships, now proposed to be built, could not be supported without permanent internal taxes, and a constant increase of the public debt and annual expenditure. And if the system was gone into, to the extent contemplated by the gentleman from South Carolina, (Mr. CHEVES,) of building forty frigates and twenty-five seventy-four gun ships, which he admitted would be necessary to relieve the Naval Establishment from comparative inefficiency, the annual expenses of the Government with such a system (as already shown) would be more than \$25,000,000, which would rapidly increase the public burdens, and entail on this country that fatal system which has almost ruined the British empire.

The gentleman from South Carolina (Mr. CHEVES) takes it for granted that our commerce can be effectually protected by a navy; and, assuming this fact, he proceeds to show that every portion of the American people are equally interested in the building a navy, because all are more or less interested in protecting commerce.

But, the fact is, that navies have never been considered as adequate to the complete protection of commerce. Look, said he, at the situation of the Old World, in times, to them, more prosperous than the present! What is the fact? Holland, with almost no navy, possessed an extensive and profitable commerce; and Spain, about the same period, with a large and powerful fleet, had no commerce.

But the situation of Europe is, in all respects, different from ours. The Governments of Europe are surrounded by rival Powers, who are mostly engaged in war with each other, while we are happily far removed from them all, and have no neighbors to annoy us. Therefore, arguments drawn from the Old World are wholly inapplicable to this country, because their situation and form of Government are altogether unlike ours. And when we turn our eyes from foreign Governments to our own, we find that no people since Adam were ever more prosperous or more happy

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than the American people have been for the eight or ten years previous to the year 1808. Private fortunes have been accumulated with unequalled ease and rapidity; commerce has prospered beyond example; agriculture has flourished; and the revenue abundant, beyond the wants of the Government. And did this state of prosperity exist at a time when your commerce was protected by vessels of war? No; but at a time when your Navy was out of use; and in proportion to the increase of your naval expenditure, in the same proportion has your commerce decreased. The protection of commerce is the only ostensible object for which navies are created, while power and conquest are the main objects. Show me, said Mr. McK., a nation possessed of a large navy, and I will show you a nation always at war. When has England been at peace with all the world, since she became a great naval Power? Such instances in British history were so rare, and of such short duration, (if they existed at all,) that he could not answer the question; and he believed it would be difficult for the ingenuity of the gentleman from South Carolina (Mr. CHEVES) to answer it. It is true, that England, the greatest naval Power in the world, is also the most commercial; and it was not to be doubted that her commerce received aid from her navy, though it owed its extent principally to the industry and consequent wealth of the nation. But, England has other and far more important objects to effect by her navy than that of protecting commerce. Her insular situation renders it necessary for her protection, and she keeps it up for the purposes of war and dominion. England would destroy her navy to-morrow, if the protection of commerce was her only object; because it cannot be denied that the expense of keeping up her navy exceeds the profits of that commerce which it is said to protect. Navies, therefore, must be considered as instruments of power, rather than as the means of protecting commerce. They are the vile offspring of those nations where the power and grandeur of the Government is everything, and the people are nothing but slaves!

Mr. McK. having stated that a navy was an instrument of power, rather than a means of protecting commerce, in order to show that this opinion was not a mere vagary of his own imagination, but the deliberate opinion of some of the wisest men of this country, most solemnly pronounced, he would beg leave to read a document, which he hoped would have weight with some gentlemen of the Committee. It is taken from the celebrated instructions of the Virginia Legislature, of 1801, to their Senators in Congress, and is said to have come from the pen of the present Chief Magistrate of the United States; and he believed he could venture to say, that no Legislature ever possessed more talents than were drawn together into the Virginia Assembly on that occasion. After having noticed other subjects, in speaking of the Navy, they say:

"With respect to the Navy, it may be proper to remind you, that, whatever may be the proposed object of its establishment, or whatever may be the prospect

of temporary advantages resulting therefrom, it is demonstrated by the experience of all nations who have ventured far into naval policy, that such prospect is ultimately delusive; and that a navy has ever, in practice, been known more as an instrument of power, a source of expense, and an occasion of collisions and wars with other nations, than as an instrument of defence, of economy, or of protection to commerce. Nor is there any nation, in the judgment of the General Assembly, to whose circumstances this remark is more applicable than to the United States."

These opinions may now, however, be considered as old-fashioned; but being himself an old-fashioned man, he confessed he was more pleased with them than with the new political doctrines preached by the gentleman from South Carolina (Mr. CHEVES) to the House and the nation. It might, however, possibly be the fact, that he (Mr. McK.) was wrong, and only indulged ancient prejudices, and the gentleman from South Carolina right; and if such were the case, he could only say, in his own defence, that, under the influence of those old doctrines, the American people had enjoyed a state of prosperity and happiness unparalleled in the history of man—a state of prosperity which he feared he would never see equalled. He looked back on those days of happy prosperity with the same feelings of mournful regret with which he looked back to the days of his youth, fearing that they, like the days of his youth, would never again return—especially if the Navy mania should prevail.

Another great objection to a navy with Mr. McK. was, that a great proportion of the expense would fall on the agricultural class of the people, and the advantages (if any) to be derived from the protection afforded by it to commerce, would be derived by the mercantile class. The State of Ohio, for instance, will pay within one-third as much tax as the State of Maryland or South Carolina, and nearly as much as Connecticut, with less than one-tenth of the commerce to receive protection. Is it, therefore, reasonable or just to tax that portion of the people in order to create and support a navy for the protection of commerce, when they have none, or but little, to protect? But, it is also true, that the agriculturists and manufacturers throughout the Union will pay a large proportion of the expense of creating and supporting a navy—perhaps nine-tenths thereof—while the mercantile class will receive the greatest share of the advantages. As a further illustration of this subject, he would refer gentlemen to an argument of Mr. Gallatin, made in 1799, on the establishment of a navy, in which this point was clearly demonstrated, with an ability that defied refutation, even by the ingenuity of the gentleman from South Carolina.

Why, said Mr. McK., is this period fixed on for commencing this great Naval Establishment? And why was it not commenced when our finances were in a more flourishing condition—at a time when the means necessary to effect the object were possessed by the Government? Would any man say that the vessels proposed to be built could be furnished in time to be serviceable in the ap-

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proaching contest? He believed no man would hazard his reputation by such an assertion, unless the war should continue longer than was expected. It would appear as if gentlemen were disposed to take advantage of the fever of the public mind—when the people were indignant at the conduct of Great Britain, and determined to have redress almost without counting the cost; and when they are most likely to examine subjects of this sort with the least deliberation, we are called upon to establish a permanent system which will remain a *set-fast* on the nation forever. All history proves that it is in such times that the most pernicious and ruinous principles are established, and we seem disposed to follow the example. If we are to become a great naval power, let us commence the system in times of peace and tranquillity, when the expression of public sentiment in relation to it can be fairly and dispassionately had.

But, the gentleman from South Carolina (Mr. CHEVES) says, that our Ministers abroad are placed in a very delicate and unpleasant situation, because our Navy is not sufficient to command the respect of foreign Powers. So long, said Mr. McK., as we maintain our character at home—so long as we preserve our title to character abroad; and so long as the people are industrious and happy—it was to him a matter of but small concern whether a Turkish Bashaw or a potentate of Europe respected us or not. If our friendship was desirable to them, it would be courted; if it was not, we could not fight them into it by twenty-five seventy-four gun ships and forty frigates. But, if it were an object of primary importance with the gentleman to render this nation respectable in the eyes of foreign nations, his object perhaps could be more easily effected by assimilating our form of Government more to the forms of the Governments of Europe—by making the Presidency hereditary, creating some Princes and Princesses, Dukes and Duchesses, Lords and Ladies, Stars and Garters. The gentleman will then, perhaps, no longer be told that we are without honor and just political views by the monarchies of the Old World.

[Mr. CHEVES said, he would not accept the gentleman's project.]

Mr. McKEE said, he did not wish him to accept it, neither would he accept that gentleman's naval project, because the consequences to the country, in his opinion, would be similar. Create a great national debt, impoverish one portion of the community with heavy taxes, by which a different portion of the community are benefited, and you have the foundation of a moneyed aristocracy, which is the substance which will, by its own operation, create substantially those distinctions in society which in other Governments have names.

Establish a navy, said Mr. McK. and this country may bid farewell to peace; because you thereby organize a class of society who are interested in creating and keeping up wars and contention. Officers in the Navy and Army are mere cyphers in society in times of peace, and are only respectable in time of war, when wealth and fame may

await their exertions. They are, therefore, interested in keeping up a state of war, and being invested with the management of an instrument of war, it is to be expected, that it will be used in some degree to answer their own purposes? No man who will reflect for a moment, but must be satisfied that the disgraceful and lawless conduct of the British naval officers on our coast originated in a desire on their part to bring on a war with this country, in which they looked forward to large dividends of prize money; and these acts were contrary to the wish and expectation of Great Britain; in one instance the act was disavowed; and it may be asked why were the officers not punished who acted contrary to the wishes of the Government? The answer is obvious; because the influence of the Navy in England is so predominant that the Government are afraid to touch the subject, and the consequence is, that the Government are compelled to bear the odium of acts which they disapprove; and the same cause which has produced this effect in England, if permitted to operate, will produce a similar effect in this country.

Our little Navy has already contributed much towards the irritation, which exists between this country and England; and under any other President than Mr. Jefferson, it would have brought on a war in 1807. And what real benefit has resulted from it to the Government? Has a pirate or a buccaneer ever been chastised by them? If they have, he had no recollection of the case; he had seen indeed paragraphs in the newspapers mentioning that the frigate President, or some one of the vessels, had sailed from the navy yard to Norfolk, from thence to New York, and finally arrived safe at Boston; but for what purpose he was totally ignorant, unless, indeed, it was to sail back again, and furnish the materials for a new article for the newspapers; and for these eminent services, the American people have already paid about \$30,000,000.

If, said Mr. McK., your twelve seventy-fours and twenty frigates were built, you could not man them, without resorting to impressment. And the argument of the gentleman from South Carolina (Mr. CHEVES) seems to admit this fact; because he summons the whole force of his ingenuity to prove, first, that you can in time of war, by law, prevent your seamen from engaging on board of privateers, beyond a certain number, and second, that if this expedient should fail, you can man your ships of war with militia. This, said Mr. McK. is a monstrous doctrine, and amounts substantially to the doctrine of impressment, which is a perversion even of the British constitution. Whence do you derive the power of prohibiting your mariners from engaging on board of privateers, and thus by starvation forcing them to engage in your service? No such power is known in the Constitution, and any attempt to exercise it (if you possessed the power) would only excite irritation. With regard to marching the militia on board of your ships, or out of the United States, Mr. McK. said, he had been at a loss to know why the gentleman from South Car-

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olina (Mr. CHEVES) had ushered into this House a discussion on that point when the volunteer bill was under consideration; because it seemed to him that this question, as it related to the volunteer bill, was (as a lawyer would say) *de hors* the record; but the matter is now fully explained.

[Mr. CHEVES said that he had not ushered this discussion into the House, but that the question was forced on him by other gentlemen, who had raised the difficulty.]

Mr. McKEE said, he had been led into the error by the circumstance that the gentleman from South Carolina first within his hearing opened the discussion on this point in the House, and he had therefore supposed it had originated with him. That gentleman had, however, contended, that the militia could be marched out of the United States, and now holds the opinion, that in the last resort, your ships may be manned by the same means. No such power is known in the Constitution. You have the power of calling out the militia for three specified objects, to wit: "To execute the laws of the Union, suppress insurrections, and repel invasions." This specification of the objects for which the militia may be called out, operates as a limitation of the power; no rule of construction is more universal or liable to fewer exceptions in law or reason, than that a grant of power, accompanied with a specification of the objects to which the power is to be applied, is, in its nature, a limitation of the power to those objects alone; and in this case the power of calling out the militia is limited to those objects and for those purposes which of all others the militia are the best adapted to effect, and for the effectuation of which, it is the most natural that the militia would be resorted to.

[The Chairman, Mr. NELSON, asked Mr. McKEE if he thought the remarks in relation to marching the militia out of the United States were applicable to the question before the committee?]

Mr. McKEE said, unquestionably he did believe them applicable; because he contended, that the ships, if built, could not be manned, unless by the militia; and if he showed they could not be manned by the militia, he thereby proved that the ships ought not to be built.

When the Constitution of the United States was submitted to the consideration of the American people, and every objection which the ingenuity of party rage could invent was raised against its ratification or adoption, yet it never occurred to any one that the militia could be marched out of the United States; and if the history of those times is looked into, it will be found that the power of marching the militia of Georgia to New Hampshire, and the militia of Maine to Georgia, was the subject of serious complaint on the part of the opposers of the Constitution, and when such objections were raised, it is evident that if ever the thought of marching the militia out of the United States had occurred, or had been supposed to have been contained in the instrument, it never would have been ratified. It therefore seemed to him clear, that it was not the intention of the framers of the Constitution to grant

to the Government the power of marching the militia out of the United States, and we ought not to invest ourselves with the power by implication or construction.

Mr. McK. apologized for detaining the Committee so long. He hoped gentlemen would consider well the subject before they gave a vote which may not only affect the present generation, but extend its effects to future generations.

The Committee rose, and had leave to sit again.

MONDAY, January 20.

Mr. MITCHELL presented the petition of Charles Whitelow, of the city of New York, praying for permission to occupy a tract of ground lying west of the Capitol in the City of Washington, (originally intended for a botanic garden,) for the purpose of improving it as an agricultural and botanical garden; stating his experience in business of this kind in Europe.—Referred to the Committee on the District of Columbia.

Mr. JENNINGS presented a representation of sundry inhabitants of the Indiana Territory, complaining of the arbitrary conduct of the Governor of that Territory, in withholding his approbation to an act passed by the Legislature, for the removal of the seat of the Territorial Government, and praying redress.—Referred.

INCREASE OF REVENUE.

Mr. BACON observed that the Committee of Ways and Means had received a letter from the Secretary of the Treasury, in answer to an inquiry addressed to him by the committee, which they deemed of public importance; and therefore, contrary to their usual practice, the committee had directed him to communicate it to the House, in order that it might be printed for the use of the members, as it might be some time before the committee would be able to make their report, and by having the letter of the Secretary of Treasury before them, and their attention drawn to the subject, the House would be better able to meet the consideration of it, when it shall be brought before them by the committee. Mr. B. then laid the letter of the Chairman of the committee to the Secretary of the Treasury with his answer (containing his budget of proposed taxes for meeting the expenses of war) before the House; which being read,

Mr. MOSELEY proposed that five thousand copies of the communication should be printed. This motion was seconded by Mr. MILNOR, who, on account of its importance, contended for the necessity of making it as public as possible. It was opposed by Mr. BACON, as improper and as incurring an unnecessary expense. Improper, because it would be giving an undue sanction to a letter to one of the committees of the House, which had not been acted upon, (and which it was unusual to publish at all;) incurring an unnecessary expense, because the letter of the Secretary would undoubtedly be printed in every newspaper in the United States, and by this means be made more generally public, than it would be in any other way.—Motion negatived 75 to 42.

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Mr. MAXWELL then moved that one thousand copies be printed. This motion, after some observations from Messrs. WRIGHT, FISK, and FINDLEY, in which they urged the impropriety of giving any countenance to a letter, containing propositions which would not probably be agreed to by Congress, and which would serve only unnecessarily to alarm the people, was negatived 60 to 52.

Mr. DAVENPORT moved to have five hundred copies printed, which motion was also negatived, and the usual number ordered to be printed.

The Letter and Answer are as follows:

COMMITTEE ROOM, *December 9, 1811.*

SIR: In your annual report, prepared in obedience to the act supplementary to the act, entitled "An act to establish the Treasury Department," and transmitted to the House of Representatives on the 22d ultimo, it is stated,

1st. That, to place the financial system of the United States on a solid foundation, it requires the aid of a revenue, sufficient at least, to defray the ordinary expenses of Government, and to pay the interest on the public debt, including that on new loans which may be authorized.

That the expenses of the year 1812, calculated on the existing state of affairs, and including the interest on the public debt, will amount to \$9,400,000 00

That the whole amount of actual receipts into the Treasury, during the year 1812, may be estimated at - - 8,200,000 00

Leaving a deficiency (which it is proposed to supply by authorizing a loan) of - - - - - 1,200,000 00

And that an authority to borrow a sum, equal to that which will be reimbursed of the principal of the public debt, during that year, will be necessary, amounting to not less than - - 2,135,318 41

Making the whole sum, which it is proposed should be provided for by loan, for that year - - - - \$3,335,318 41

Under this view of the subject, the Committee of Ways and Means instructed me to inquire of you, whether, according to the principle first above stated, it does not become necessary to provide "a fixed revenue," to be received during the year 1812, equal as well to the estimated expense of that year, and amounting, as above stated, to \$9,400,000, as also to the interest which will arise on the proposed loan of \$1,200,000; or, otherwise, whether it is proposed to provide for the payment of such interest out of the money of the Treasury at the commencement of the year, or from any other source?

2d. It is stated in your report, "that a fixed revenue of about nine millions of dollars is necessary, under the existing circumstances of the United States; and that the same amount would be necessary, and, with the aid of loans, will, in your opinion, be sufficient, in case of war."

In reference to this state of things, the Committee wish you to state, whether, as, in the event of war, increased loans will undoubtedly be required, it will be necessary to provide an additional and gradually increasing revenue, to pay the interest on such loans?

3d. It is stated in your report, "that the permanent revenue, or annual receipts, after the year 1812, (calculated on the existing state of affairs,) together with an addition of fifty per cent. on the present amount of duties, may be estimated at nine millions of dollars; and that, should any deficiency arise, in the event of war, it may be supplied, without difficulty, by a further increase of duties, by a restoration of that on salt, and by a proper selection of moderate internal taxes."

The Committee request that you would favor them with the best opinion which you are able to form (calculated on the event of war) of the probable amount of the receipts from duties; a specification of the increase of duties which you would think practicable and advisable; an estimate of the amount of that on salt; and such a selection of moderate internal taxes as you would recommend, with the probable expense of collection, and the amount of net revenue estimated to arise therefrom.

4th. The Committee request that you would furnish them, in connexion with your replies to the preceding inquiries, with an estimate of ways and means, (calculated on the event of war,) which will provide a revenue sufficient to meet the ordinary expenses of Government, and provide for the legal reimbursement and interest of the public debt, including the interest on new loans, to the amount at least of ten millions of dollars per annum, accompanied with such a scheme for the reimbursement of the principal of the new loans as you should deem expedient, together with such opinions as you may have formed respecting the terms on which such loans may probably be obtained; also, such further views or information, connected with, or touching the foregoing objects of inquiry, as you may deem necessary and expedient.

With great respect, I have the honor to be, your obedient servant,

E. BACON.

Hon. ALBERT GALLATIN, *Sec. Treasury.*

TREASURY DEPARTMENT, *Jan. 10, 1812.*

SIR: In answer to the first inquiry of the Committee of Ways and Means, relative to the interest arising on the proposed loan of \$1,200,000, necessary to supply the deficiency in the receipts of the year 1812, I beg leave to observe that that item was not included amongst the expenses of that year, because, the estimate being made with reference to the expenses alone which had previously been authorized by law, and a considerable proportion of those on account of the public debt falling on the last day of the year, it would not have been necessary, in that view of the subject, to borrow that sum previous to that day, and the interest would not, therefore, have become a charge till the year 1813.

With respect to the second inquiry of the Committee, it was certainly contemplated, in conformity with the recommendation of the President, whose expressions were adopted in the report, "to raise a revenue sufficient, at least, to defray the ordinary expenses of Government, and to pay the interest on the public debt, including that on new loans which may be authorized." The sum of about nine millions of dollars was assumed as answering that description for the present, and the expression of "fixed revenue," which had been used in reference to existing circumstances, was inadvertently applied to the case of war. It will undoubtedly be proper, as remarked by the Committee, to provide, annually, an additional and gradually increasing revenue, sufficient to pay the interest on the

loans required in the event of war. If, therefore, the loan for the present year will, according to the suggestion of the Committee, amount to ten millions of dollars, the receipts into the Treasury, to be provided for the year 1813, should on those data, amount to about nine millions six hundred thousand dollars.

The Committee ask, in the next place, the best opinion which I am able to form of the probable amount of receipts from duties on merchandise, in the event of war.

As that amount will depend on the extent of the commerce between the United States and nations at peace with them, and on the numbers of the captures respectively made by our own privateers, and by the enemy, it is a matter of conjecture, and not a subject of calculation; for which reason it was stated in the report, that that amount could not at present be determined. Considering the restrictions laid by France on the commerce of the United States, with her own dominions and other countries under her influence, the dangers to which our commerce with the Baltic and with China will be exposed, the relations of England with Portugal and with Spain, and also that no inconsiderable part of the captures made by our privateers will be sent into foreign ports, a great defalcation in the receipts on duties on imported merchandise must be expected. The amount, under existing laws and circumstances, has, from correct data, been stated in the annual report at six millions of dollars. It would, in my opinion, be unsafe, in an estimate of ways and means, intended to be relied on with certainty, to calculate, in the event of a war, on more than two million five hundred thousand dollars, at the present rate of duties.

To the next inquiry of the Committee, respecting the increase of those duties which is thought practicable and advisable, it is answered, without hesitation, that the rate of duties may, in the event of war, be doubled, without danger or inconvenience. There will, in such event, be less danger of smuggling, at that rate, than there is now, with the existing duties. With that increase, the duties will still be much less, on an average, than those paid on importations in England, France, and most other countries. And they will be collected with more ease to Government, and less inconvenience to the people, than could be devised, to the same amount, in any other manner.

A duty on imported salt might now be calculated on at least three million five hundred thousand bushels; but, in time of war, cannot be estimated on more than two millions of bushels, producing, at the rate of twenty cents per bushel, four hundred thousand dollars. The duties on tonnage and imported merchandise, including the former duty on salt, and doubling the rate of all the others, would, according to that estimate, amount to - - - \$5,400,000

To which, adding the proceeds of the sales of public lands, estimated, as by the annual report, at - - - 600,000

Makes an aggregate of - - - 6,000,000
And leaves a deficiency of - - - 3,600,000

In order to complete the net revenue, wanted for the service of 1813, of - \$9,600,000

On the basis of annual loans of ten millions of dollars, during the continuance of the war, (which is the sum assumed by the committee, and which, consider-

ing the expenses already voted by Congress, is not more than will be wanted, and estimating at the lowest rate the interest on the loan of 1813, the deficiency for 1814, to be provided for by other sources, will amount to four million two hundred thousand dollars. The expenses of assessment and collection, and incidental losses, on the internal taxes, from the proceeds of which this deficiency must be supplied, may be estimated at fifteen per cent. In order to produce a net revenue of four million two hundred thousand dollars, the gross amount of taxes must therefore be near five millions of dollars. As the taxes, which may be organized during the present session of Congress, will not become due till the ensuing year, and as it is sufficiently ascertained, from universal experience, that taxes will not produce their full nominal amount the first year they are in operation, it may be relied on that a gross amount of five millions, intended to produce a net revenue of four million two hundred thousand dollars, will not yield that sum till the year 1814, nor produce, in 1813, more than the required sum of three million six hundred thousand dollars. Five millions of dollars will, therefore, be assumed as the gross amount of taxes (including the expenses of assessment and collection, and the incidental losses) necessary to be raised at this time. That sum is calculated to cover the interest on the loans of ten millions a year, wanted for the service of the years 1812 and 1813, leaving the selection of additional taxes, which may thereafter be necessary to provide for the interest of subsequent loans, to be made according to the experience which will be afforded by those two years.

Before I proceed to answer the inquiry of the committee, respecting a selection of the internal taxes now necessary, permit me to observe, that it was stated in the annual report of December 10, 1808, that "no internal taxes, either direct or indirect, were contemplated, even in the case of hostilities carried against the two great belligerent Powers"—an assertion which renders it necessary to show that the prospect then held out was not deceptive, and why it has not been realized.

The balance in the Treasury amounted, at that time, to near fourteen millions of dollars; but, aware that that surplus would, in a short time, be expended, and having stated that the revenue was daily decreasing, it was, in the same report, proposed "that all the existing duties should be doubled on importations subsequent to the first day of January, 1809." As the net revenues accrued from customs during the three years, 1809, 1810, and 1811, has, without any increase of duties, exceeded twenty-six millions of dollars, it follows that, if the measure, then submitted, had been adopted, we should, after making a large deduction for any supposed diminution of consumption arising from the proposed increase, have had, at this time, about twenty millions of dollars on hand—a sum greater than the net amount of the proposed internal taxes for four years.

In proportion as the ability to borrow is diminished, the necessity of resorting to taxation is increased. It is, therefore, also proper to observe, that, at that time, the subject of the renewal of the charter of the Bank of the United States had been referred by the Senate to the Secretary of the Treasury; nor had any symptom appeared, from which its absolute dissolution, without any substitute, could have then been anticipated. The renewal, in some shape, and on a more extensive scale, was confidently relied on; and, accordingly, in the report made during the same session, to the Senate, the

propriety of increasing the capital of the bank to thirty millions of dollars, was submitted, with the condition that that institution should, if required, be obliged to lend one-half of its capital to the United States. The amount thus loaned might, without any inconvenience, have been increased to twenty millions. And with twenty millions of dollars in hand, and loans being secured for twenty millions more, without any increase of the stock of the public debt at market, internal taxation would have been unnecessary for at least four years of war, nor any other resource been wanted, than an additional annual loan of five millions—a sum sufficiently moderate to be obtained from individuals, and on favorable terms.

These observations are made only in reference to the finances and resources of the General Government. Considerations of a different nature have, on both these subjects, produced a different result, which makes a resort to internal taxes, now, necessary, and will render loans more difficult to obtain, and their terms less favorable. But the resources of the country remain the same; and, if promptly and earnestly brought into action, will be found amply sufficient to meet the present emergency. With respect to internal taxes, the whole amount to be raised is so moderate, when compared either with the population and wealth of the United States, or with the burdens laid on European nations by their Governments, that no doubt exists of the ability or will of the people to pay, without any real inconvenience, and with cheerfulness, the proposed *war taxes*. For, it is still hoped that the ordinary *peace* revenue of the United States will be sufficient to reimburse, within a reasonable period, the loans obtained during the war, and that neither a perpetual and increasing public debt, nor a permanent system of ever progressing taxation shall be entailed on the nation. These evils cannot, however, be otherwise avoided, than by the speedy organization of a certain revenue. Delays in that respect, and a reliance on indefinite loans, to defray the war expenditure, the ordinary expenses of Government, and the interest on the loans themselves, would be equally unsafe and ruinous—would in a short time, injure public credit, impair the national resources, and ultimately render much heavier and perpetual taxes absolutely necessary.

Of the gross amount of five millions of dollars to be now provided, according to the preceding estimates, by internal taxation, it is respectfully proposed that three millions should be raised by a direct tax, and two millions by indirect taxes.

The sum of three millions will not, considering the increase of population, be a much greater direct tax than that of two millions, voted in the year 1798. To this, permit me to add another view of the subject.

The direct taxes, laid by the several States during the last years of the Revolutionary war, were generally more heavy than could be paid with convenience. But, during the years 1785 to 1799, an annual direct tax of more than 200,000 dollars (205,189) was raised in Pennsylvania, which was not oppressive, and was paid with great punctuality. The increase of population of that State, between the years 1787 and 1812, is, in the ratio of about four to nine. A tax of 450,000 dollars, payable in the year 1813, is not higher, in proportion to population, alone, and without regard even to the still greater increase of wealth, and of circulating medium, than a tax of 200,000 dollars was in the year 1787. But the quota of Pennsylvania, on a tax of three millions of dollars, will (counting Orleans as a

State) hardly exceed 365,000 dollars. The proposed tax will, therefore, so far as relates to Pennsylvania, be near twenty per cent. lighter, in proportion to the respective population, than that paid during the years 1785 to 1789.

The rule of apportionment, prescribed by the Constitution, operates with perhaps as much equality as is practicable, in relation to States not materially differing in wealth and situation. It may, therefore, be inferred, that a direct tax, which is not greater than Pennsylvania can pay with facility, will not press heavily upon any of the other Atlantic States. It is only in reference to the Western States that the Constitutional rule of apportionment, according to the respective number of inhabitants in each State, may be supposed to be unequal. Being at a greater distance from a market, and having, on account of the recent date of their settlements, less accumulated capital, it is certainly true that they cannot, in proportion to their population, pay as much, or with the same facility, as the Atlantic States. Two considerations will, however, much diminish the weight, if they do not altogether obviate that objection.

1. Of the articles actually consumed in the Western States; there are two of general consumption, on which duties are laid, or proposed to be laid, and on which, being articles produced in those States, they will pay nothing, or less than the Atlantic States. On salt they will pay nothing, as the whole quantity consumed there is of domestic origin; and this observation affords an argument in favor of the restoration of the duty on that article, since it will tend to equalize the operation of the direct tax. A considerable part of the sugar those States consume (nearly seven millions of pounds) is also the produce of the maple, and pays no duty. And, in time of war, it is probable that the residue of their consumption will, in a great degree, consist of New Orleans sugar; also duty free.

2. A considerable portion of the direct taxes, in those States, is laid on lands owned by persons residing in other States, and will not fall on the inhabitants. It appears, by a late official statement, that more than two-thirds of the land tax of the State of Ohio are raised on lands owned by non-residents. The portion of the quota of that State on the United States' direct tax, which will be payable by its inhabitants, will, for that reason alone, be reduced to one-third part of the nominal amount of such quota. And, although the proportion may not be the same in the other Western States, it is well known that a similar result, though not perhaps to the same extent, will take place in all.

From every view which has been taken of the subject, it satisfactorily appears that the proposed amount of three millions is moderate, and cannot be productive of any real inconvenience, provided that the objects on which the tax shall be assessed be properly selected.

A direct tax may be assessed either on the whole amount of the property or income of the people, or on certain specific objects selected for that purpose. The first mode may, on abstract principles, be considered as most correct; and a tax laid in case of selection, on the same articles, in all the States, as was done in the direct tax of 1798, is recommended by its uniformity, and supported by respectable authority. It is, nevertheless, believed that the systems of taxation, respectively, adopted by the several States, matured, modified, and improved, as they have been by long experience, will generally be found to be best adapted to

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the local situation and circumstances of each State; and they are certainly most congenial with the feelings and habits of the people. It is therefore proposed that the direct tax should be laid and assessed in each State upon the same objects of taxation on which the direct taxes, levied under the authority of the State, are laid and assessed.

The attempt made, under the former direct tax of the United States, to equalize the tax by authorizing a Board of Commissioners, in each State, to correct the valuations made by the local assessors, was attended with considerable expense, and productive of great delay. In order to obviate this inconvenience, it is proposed that the quota assigned to each State, according to the rule prescribed by the Constitution, should be apportioned by law amongst the several counties, towns, or other subdivisions of each State; adopting, in each State, where a State tax is now levied, the apportionment of the State tax, whether that be an absolute quota, fixed by a previous State law on the county or town, or whether it be only the amount which shall appear to have been last laid on such county by the operation of the general State laws, imposing a direct tax; making the apportionment in the States where no State tax is now levied, according to the best information and materials which can be obtained; and authorizing the States, respectively, to alter the apportionment thus made by law, at any time previous to the day fixed by law for assessing the United States' tax on individuals. The whole process of assessment will thereby be reduced to that of assessing the quota of each county, town, or other subdivision, on the lands and inhabitants of such division. It will be as simple, and may be effected as promptly, and with as little expense, as the assessment of a county tax; and the objects of taxation being the same, it may be still more facilitated by authorizing an adoption of the State assessment on individuals, whenever it may be obtained from the proper authority.

With respect to indirect taxes, it does not appear necessary to resort to any other than those which had been formerly levied by the United States. As they were in operation during several years, their defects, and the modifications and improvements of which they are susceptible, are better understood than new taxes could be. With some alterations they may produce the amount now wanted; and it does not appear that any other, equally productive, could be substituted with any real advantage. The gross amount of those taxes, in the year 1801, was near one million of dollars. They would, according to the increase of population, and without any augmentation in their rate, yield, now, near \$1,400,000. An average increase of about fifty per cent. in the rate would produce the intended gross amount of two millions. But it is believed that that increase ought not to be the same in all those taxes, and that some are susceptible of greater augmentation, or extension, than others.

1. *Duties on domestic spirits distilled.*—There is not any more eligible object of taxation than ardent spirits. But the mode of taxation is liable to strong objections, particularly with respect to persons who are not professional manufacturers, and who, only occasionally, distil the produce of their farms. It is therefore proposed, that the duties on the quantity of spirits distilled should be levied only on spirits distilled from foreign materials, at the rate of ten cents per gallon, distilled, and on other distilleries employing stills, the aggregate of which shall contain more than four hun-

dred gallons, at the rate of three cents per gallon, distilled; and that, instead of a duty on the spirits, or of licenses in proportion to the time employed, all other distillers should only pay an annual tax of five dollars for each still solely employed in the distillation of fruit, and of fifteen dollars for each still otherwise employed. This tax may, also, still, without reference to time, be made to vary according to the size of the stills. At those rates, this class of duties is estimated to produce, at most, \$400,000; and it is intended, in that case, that another duty should be levied on the same article, in the shape of licenses to retailers. By the adoption of that mode, the expenses of collection will be considerably diminished, penalties for not entering stills will be unnecessary, and they will be confined, with respect to country stills, to the case of clandestine distilling without paying the tax.

2d. *Duties on refined sugar.*—A duty double of that heretofore laid, viz: at the rate of four cents per pound, is estimated to produce 200,000 dollars. The drawback, both of that duty and of that on the importation of the raw material, to be allowed.

3d. *Licenses to retailers.*—These are believed to be susceptible of considerable and very proper augmentation and extension. The following rates are estimated to produce 700,000 dollars.

For a license to retail wines	-	-	-	\$20
do.	do.	spirits generally	-	20
do.	do.	domestic spirits only	-	15
do.	do.	any other species of foreign	-	-
		merchandise	-	10

Tavern keepers, licensed under the authority of any State, and not living in any city, town, village, or within five miles thereof, to be excepted. Every other person who sells wines, foreign spirits, or foreign merchandise, otherwise than in the vessel or package of importation, or in the case of dry goods, otherwise than by the piece, and every person who sells domestic spirits in less quantity than thirty gallons, to be considered as a retailer.

4th. *Duties on sales at auction.*—These, confined to the sale of articles of foreign produce or manufacture, and at the same rate as heretofore, may produce about 50,000 dollars.

5th. *Duties upon carriages for the conveyance of persons.*—These duties, adding at the rate of fifty per cent. on the duties formerly raised, are estimated to produce 150,000 dollars.

6th. *Stamp duties.*—An association of ideas which connects these duties with the attempt of Great Britain to tax America, and which might, with equal propriety, attach odium to the duty on the importation of tea, has rendered their name in some degree unpopular. The great extension of post roads, and the facility of distribution, have, however, removed the most substantial objection to which they were liable. They do not appear to be more inconvenient than any other internal tax, and the expenses of collection are less than on any other, being only a commission on the sale, and the cost of paper and stamping. At the same rate as heretofore, with the exception of bank notes, on which an increase appears proper, (with an option to the banks to pay one-twentieth part of their dividends in lieu thereof,) they are estimated to produce 500,000 dollars.

Recapitulation.

Direct tax, gross amount	-	-	-	\$3,000,000
Duties on spirits and licenses to distillers,				
gross amount	-	-	-	\$400,000

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Refined sugar, gross amount	-	200,000
Retailers' licenses, do.	-	700,000
Sales at auction, do.	-	50,000
Duties on carriages, do.	-	150,000
Stamp duties, do.	-	500,000
		<hr/> 2,000,000
Total gross amount	-	5,000,000
Deduct expenses of assessment and collection, and losses, estimated at fifteen per cent.	-	750,000
		<hr/> 4,250,000
Net amount estimated for 1814,	-	4,250,000
		<hr/>
But are not estimated to yield, in 1813, more than	-	3,600,000
		<hr/>

Most of the internal taxes have been estimated at their maximum; but it is hoped that any defalcation from the estimated amount will be compensated by a diminution in the expenses of collection, which have also been computed at the highest rate.

For the superintendence of those taxes, both direct and indirect, it appears indispensable that the office of commissioner of the revenue should be re-established. For their collection, the former offices of supervisor and inspector are believed to have been unnecessary and injurious links in the system, and that the expense will be diminished, and the collection and accountability better secured, by the division of the States into convenient collection districts, and by the appointment of a collector to each district, who will pay into the Treasury, and be immediately accountable to that department, in the same manner as the collectors of customs. This arrangement, the greater amount to be collected, and the simplification in the objects and mode of taxation, will, it is hoped, reduce, in a short time, the expenses of collection of the indirect taxes to seven and a half instead of thirteen per cent., which they formerly cost, when brought to their highest degree of improvement. In estimating the charges on the direct tax at fifteen per cent., five per cent. have been allowed for the assessment, five per cent. for the collection, and five per cent. for losses. This last item is principally on account of losses on *unseated* lands, and on some remote districts of country, and is not susceptible of much reduction. That for assessment may be lessened in those States where the objects of taxation do not require an annual valuation, or where the State or county assessments may be used. The expense of collection proper may be, also, in some degree, lessened in cities and populous districts, and by uniting it with that of the internal taxes. It is, however, necessary that the compensation of the collectors be sufficient to command the services of men properly qualified, and in every respect worthy of the trust.

In performing the ungracious task of pointing out new objects of taxation, those have been submitted which appeared sufficiently productive and least oppressive. The objections to which each, including the increase of duties on importations, is liable, have not been stated, not because I was insensible of them, but because no substitute of any importance was perceived, which was not still more objectionable. Every tax being in some degree an evil, is, therefore, liable to some objection; and every one, taken singly, may, for that reason, be easily combated. But, if the necessity of an additional revenue be admitted, the objections afford no argument why the tax proposed

should be rejected, unless another, less inconvenient, be substituted. The necessity of such an addition to the revenue has, in the course of this letter, been strongly urged, because it was strongly felt; but with respect to the taxes proposed, the selection is submitted with diffidence; and it will be highly gratifying that some more eligible may be devised.

The last inquiry of the committee relates principally to the terms on which loans, amounting to at least ten millions of dollars per annum, may be obtained, and to the plan proper to be adopted for the reimbursement of such loans.

The terms on which annual loans to that amount may be obtained, can be ascertained only by experiment. Government has never, since its organization, obtained considerable loans within the United States, at the rate of six per cent. a year, except from the Bank of the United States; and these, on a capital of ten millions, never amounted to seven millions in the whole. In proportion to the amount wanted for the service of the year, and to the increase of stock of the public debt at market, the terms must naturally become less favorable. It must, also, be recollected that, in addition to the sum wanted to defray the extraordinary expenses of the war, an annual loan, equal to the annual reimbursement of the six per cent. and deferred stocks, prescribed by law, will also be required. This, together with the reimbursement of the residue of the converted stock, amounting to \$565,000, will, for this year, amount, as has been stated in the annual report, to \$2,135,000. As the interest on the existing debt is included in the "current expenses," the loan necessary for the reimbursement of the six per cent. and deferred stocks, will, for each subsequent year, amount only to \$1,570,000. The loans for those sums will, indeed, create no addition to the amount of the debt, but will, nevertheless, increase the total sum to be annually borrowed. It must also be observed, that, if the price of stocks should sink below par, the Commissioners of the Sinking Fund are bound, by the existing laws, to apply the residue of the annual appropriation of eight millions a year to the purchase of stock; and that residue will, this year, amount to \$3,640,000, which, in that case, must also be borrowed. It is a view of those several considerations which has created an apprehension that loans, to such large amount, might not, perhaps, be obtained on as favorable terms as under other circumstances, and, with the powerful assistance of a National Bank, has been formerly anticipated. The same view of the subject has most forcibly impressed a conviction of the necessity of an additional revenue: for, if further loans be also resorted to for defraying the ordinary expenses and the interest, they must, if at all practicable, be obtained on the most ruinous terms. Excluding that idea, and embracing only the loans which are absolutely necessary, it appears to me more prudent not to limit the rate of interest by law. A discretionary power, in that respect, is, so far as relates to the Executive, altogether ineligible, but it is preferable to the risk of leaving the public service unprovided for. It is, also, for the same reason, requisite that the loans may be made irredeemable for a term not less than ten years.

In a former communication to the Committee of Ways and Means, it was suggested that "Treasury notes," bearing interest, might, to a certain extent, be issued, and to that extent diminish the amount to be directly borrowed. The advantage they would have,

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would result from their becoming a part of the circulating medium, and taking, to a certain degree, the place of bank notes. It is evident, however, that, for the same reason, the issue must be moderate, and never exceed the amount which may circulate without depreciation.

The loans necessary for the present year, are, 1st. A sum equal to that which may, during the year, be reimbursed on account of the principal of the debt. 2dly. The amount of expenses which have been, or may be, authorized by Congress, and are not included in the annual estimates.

The first sum will certainly amount to \$2,135,000, and may be greater if the stocks should sink below.

The second sum cannot yet be stated, since the extent of the expenses which may be authorized is not yet ascertained, and as the estimates for the additional army, already authorized, have not yet been received by the Treasury Department.

The deficit of \$1,200,000 (on the Peace Establishment) is not included as absolutely necessary, although its payment will, as stated in the annual report, leave in the Treasury a smaller balance than, under existing circumstances, is eligible.

It may be proper to repeat that, so long as the public credit is preserved, and a sufficient revenue is provided, no doubts are entertained of the possibility of procuring, on loan, the sums wanted to defray the extraordinary expenses of a war; and that the apprehensions expressed relate solely to the terms of the loans—to the rate of interest at which they can be obtained.

The reimbursement of the new debt which may be created, must ultimately depend on the respective revenue and expenditure of the United States after the restoration of peace. No artificial provisions, no appropriations or investments of particular funds in certain persons, no nominal sinking fund, however constructed, will ever reduce a public debt, unless the net annual revenue shall exceed the aggregate of the annual expenses, including the interest on the debt. Those who create the debt can only *estimate* what the peace revenue and expenditure will be, and presume that the supposed surplus *will be* faithfully and perseveringly applied to the payment of the principal.

The current or peace expenses have been estimated at nine millions of dollars. Supposing the debt contracted during the war not to exceed fifty millions, and its annual interest to amount to three millions, the aggregate of the peace expenditure would be no more than twelve millions. And as the peace revenue of the United States may, at the existing rate of duties, be fairly estimated at fifteen millions, there would remain, from the first outset, a surplus of three millions of dollars applicable to the redemption of the debt. So far, therefore, as can be now foreseen, there is the strongest reason to believe that the debt thus contracted will be discharged with facility, and as speedily as the terms of the loans will permit. Nor does any other plan, in that respect, appear necessary, than to extend the application of the annual appropriation of eight millions, and which is amply sufficient for that purpose, to the payment of interest and reimbursement of the principal of the new debt. No doubt can be entertained of that mode being sufficiently efficacious, since, by that plan alone, forty-six millions of the public debt have been reimbursed during the last eleven years. If the national revenue exceeds the national expense, a simple appropriation for the payment of the principal of the debt, and co-extensive with the object, is sufficient,

and will infallibly extinguish the debt. If the expense exceeds the revenue, the appropriation of any specific sum, and the investment of the interest extinguished, or of any other fund, will prove altogether nugatory; and the national debt will, notwithstanding that apparatus, be annually increased by an amount equal to the deficit in the revenue.

The annual interest on the existing debt amounts to - - - - -	\$2,220,000
And estimating the interest on the new debt at - - - - -	3,000,000
The sum which, on the annual appropriation of eight millions, would, at the restoration of peace, be applicable to the payment of principal, is - - - - -	2,780,000
Total. - - - - -	\$8,000,000

A sum somewhat less than the presumed surplus of three millions, as above stated, and which will be nearly sufficient to reimburse, before the year 1823, the whole existing debt of the United States, with the exception of the three per cent stock. The loans contracted during the war being made irredeemable for at least ten years, the first reimbursement would fall on that year; and the whole of the appropriation of eight millions, after deducting \$485,000 for the interest of the three per cent. stock, would thenceforth be applicable to the payment of the interest and principal of the new debt. The precise period of final extinguishment, and the precise amount of annual payments, will depend on the terms of the loans, and on the number of years for which it may be necessary to make each loan irredeemable. But this sketch is sufficient to show, 1st. That no inconvenience will arise in making the loans irredeemable for ten years, since there is not much probability that they could be sooner discharged. 2dly. That the appropriation of eight millions will be sufficient for their final reimbursement. 3dly. That that reimbursement, and that of the whole debt of the United States (the three per cent. stock excepted) will probably be effected within fifteen years after the restoration of peace. It must always be remembered that those estimates are predicated on the supposition that an additional revenue, to the amount already stated, will be provided, and that the increase of debt, during the war, will not exceed fifty millions.

In answering the inquiries of the committee on subjects so intimately connected with the most important questions of national concern, it became an imperious duty to represent every circumstance precisely as it was, or appeared to be, and without exaggerating or disguising any of the difficulties which must be encountered. To understand these to their full extent, will afford the best means of overcoming them; and there is none which appears insurmountable or even discouraging. What appears to be of vital importance is, that the crisis should at once be met by the adoption of efficient measures, which will with certainty provide means commensurate with the expense; and by preserving unimpaired, instead of abusing, that public credit on which the public resources so eminently depend, will enable the United States to persevere in the contest until an honorable peace shall have been obtained.

I have the honor to be, with great respect, sir, your obedient servant,

ALBERT GALLATIN.

Hon. E. BACON, Chairman, &c.

NAVAL ESTABLISHING.

The House then resolved itself into a Committee of the Whole, on the bill concerning the Naval Establishment.

Mr. Bassett.—Mr. Chairman: I rejoice that on all sides of the House the importance of this question is admitted. It is indeed important, involving the first duties of the Government, the first interests of the people. Give me leave to congratulate you, sir, and the nation, that a cause so good has found so able an advocate as my friend from South Carolina. I subscribe to his doctrine in relation to commerce. For, in casting my eyes up as I enter this Hall, I see grouped together Agriculture and Commerce, forcibly presenting to my mind their intimate relation. It is the freight that cheers the sailor whilst tugging at his oar he fetches and carries and thereby gives value to the surplus of the agriculturist, and supplies to him what his climate, his farm, or his occupation, will not produce. Yet it is not in relation to foreign commerce, that my mind has been led to view this subject; and I regret, greatly, regret, that it has been always thought necessary to array the agricultural interest against naval equipment. Let me ask the Committee, with me, to take a more dignified view of this subject, and examine it as a means of national defence, as it will give security to life, liberty, and property. Whilst in the great scheme of nature good is mixed with evil, a resort to force will occasionally be indispensable, and a nation not only willing but determined to be free must at some time, if not always, be prepared for defence. When that necessity occurs, what is at the discretion of the nation? Only the quantum and kind of force. It has been argued by all, and the decision is wise, that if you resort to force, it should be equal, or more than equal, to the contemplated object. On that ground, I will leave it, and take up the other alternative—the kind of force.

Shall we, then, rely for defence and security on bayonets or guns, on regiments or seventy-fours? I hesitate not, before this Committee and this nation, to declare my preference to the latter—and why prefer them? Because less dangerous to your civil institutions, less costly and more efficient. If we consult the faithful page of history, we find no instance where a naval commander has overturned his Government. As navies have been in use time immemorial, and there has been no instance, it is fairly inferable that there will be no instance; reason supports what history affirms. It has been said of the sailor, that his home is on the deep. Absence denies them the means of interest and intrigue. The force under their command cannot be marched on land. The General only becomes dangerous, as he can march his army at his heels, as the influence he has gained in the camp follows him to the city. The Admiral, possessing neither the means nor interest, nor power, how can he be dangerous? To illustrate this from history, look to Holland. Did De Ruyter or Van Tromp innovate on the Dutch Government, or was it the Prince of Orange, at the head of the army—a General—made Stadthol-

der? Yet my friend from Pennsylvania (Mr. SEYBERT) has instanced Holland as one of the nations destroyed by her navy. I cannot but think, to use an expression of his own, that his reason was on the wing, and that he did not take time fairly to view the case. I ask a reconsideration, when I am sure that my well-read friend will accord with me, that it is to the fatal influence of the House of Orange that the sad catastrophe of that nation is attributable. To the British history I appeal also as illustrative of this point. Have not her naval equipments exceeded all nations, and is her Government less favorable at this moment to the rights of humanity than those of her neighbors, who may be said to have a steel-begirt shore, whose ramparts are bayonets? For the many years which the British navy have ruled the ocean, what has been the influence of her Admirals in the councils of the nation? None, sir; neither in France or in Britain was an Admiral ever Prime Minister. Here let me ask, if Cromwell was an Admiral?

But, says my friend from Pennsylvania, the British navy has had a fatal tendency to bring the nation in war, as said Mr. Sinclair. Let me ask my friend, for a moment, to ease his wing from the pursuit after the speculative opinions of Sinclair, by showing us the instance in which the influence of the navy led the nation into war? Was it that influence that broke the peace of Amiens? I think not. Nor will my friend, to excuse Mr. Pitt's crusade against the French revolution, say that the navy was the cause of that war. The preceding war was that of the American Revolution. Stamp and tea taxes evince how much agency the navy had in the production of that war. Where then is the instance? I shall, I hope, be excused for saying that I had rather have the opinion proved by the instance, than the instance by the opinion.

But, sir, the patriotic opinions of our country are against me, and the Virginia resolutions, as penned by our Chief Magistrate, and the able speech of Mr. Gallatin, are quoted. To the first I answer, the Message, at the opening of the session, page 10, says: "Your attention will of course be drawn to such provisions on the subject of our naval force, as may be required for the services to which it may be best adapted. I submit to Congress the seasonableness of an authority to augment the stock of such materials as are imperishable in their nature, or may not at once be attainable." I consider every report coming from the Heads of Departments a Cabinet act. In that view, I beg leave also to make a general reference to the report of the Secretary of the Navy. As to the opinion of Mr. Gallatin, I would be understood as holding in as high esteem as any one that great and good man. He shall have my everlasting gratitude for the good he has done his country. To his opinion shall I contrast my own? No, sir, I will beg leave to read from the Notes on Virginia, page 291:

"Wars then must sometimes be our lot; and all the wise can do, will be to avoid that half of them which would be produced by our own follies and our own

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acts of injustice; and to make for the other half the best preparations we can.

"Of what nature should these be? A land army would be useless for offence; and not the best nor safest instrument of defence. For either of these purposes, the sea is the field on which we should meet an European enemy. On that element it is necessary we should possess some power. To aim at such a navy as the greater nations possess, would be a foolish and wicked waste of the energies of our countrymen. It would be to pull on our own heads that load of military expense, which makes the European laborer go supperless to bed, and moistens his bread with the sweat of his brows.

"It will be enough if we enable ourselves to prevent insults from those nations of Europe which are weak on the sea; because circumstances exist which render even the stronger ones weak as to us. Providence has placed their richest and most defenceless possessions at our door; has obliged their most precious commerce to pass, as it were, in review before us. To protect this, or to assail us, a small part only of their naval force will be risked across the Atlantic. The dangers to which the elements expose them here are too well known, and the greater dangers to which they would be exposed at home, were any general calamity to involve their whole fleet. They can attack us by detachment only; and it will suffice to make ourselves equal to what they may detach. Even a smaller force than they may detach, will be rendered equal or superior by the quickness with which any check may be repaired with us, while losses with them will be irreparable till too late.

"A small naval force then is sufficient for us, and a small one is necessary. What this should be, I will not undertake to say. I will only say, it should by no means be so great as we are able to make it. Suppose the million of dollars, or £300,000 pounds, which Virginia could annually spare without distress, to be applied to the creating a navy. A single year's contribution would build, equip, man, and send to sea, a force which should carry 300 guns. The rest of the Confederacy, exerting themselves in the same proportion, would equip in the same time 1,500 guns more. So that one year's contributions would set up a navy of 1,800 guns.

"The British ships-of-the-line average 76 guns; their frigates 38;—1,800 guns then would form a fleet of 30 ships, 18 of which might be of the line, and 12 frigates. Allowing eight men, the British average, for every gun, their annual expense, including subsistence, clothing, pay, and ordinary repairs, would be about \$1,280 for every gun, or \$2,304,000 for the whole. I state this only as one year's possible exertion, without deciding whether more or less than a year's exertion should be thus applied."

The circumstances under which these two great men delivered these two variant opinions were not less different than the circumstances under which they were formed. The first was given under the irritation of opposition and in the heat of debate. The latter sprung from the asylum sacred to patriotism: and philosophy. The early habits of the first were formed in a country far removed from nautical views, but where indeed the use of the bayonet was well understood. The latter had just had the American Revolution in review before him, nay, more, he had been a busy

actor; yes, he had witnessed that a British force, confined to their works in New York, by General Washington, with the aid of a small marine, could send a detachment to Petersburg and Richmond in Virginia; and if those towns did not experience the destructive effect of fire, as all the tobacco in them did, it was owing to the mercy of the enemy. He had seen Cornwallis march triumphantly from Chestertown to Virginia. A French fleet came to our aid, gave us the command of the water, and the laurels were shorn from the brow of this popular British General and himself made captive. Here then, we have a mountain view, opposed to a water prospect—theory to experience. I trust I shall not be considered as presuming too much in deciding in favor of the practical opinion. A land army, therefore, is not the safest instrument for defence; but the sea is the element on which we should meet an European enemy. Let us then count the cost. Will naval equipment be more costly than an army? The argument of my friend from South Carolina (Mr. CHEVES) is unanswerable on that head. He has, I believe, purposely omitted one fact in corroboration of his statement for me. I will supply it as well as I can. It is this: that the experience of the British nation retrospectively confirms his view, as to the comparative expense between land and naval equipment.

From the British State papers, as recorded in the Annual Register, the Naval expenditure was, for a series of seven years, as follows:

For year 1760—vol. 3, p. 122—Navy	-	\$3,640,000
Do. do. Army	-	1,383,748
Do. vol. 5, p. 150—Navy	-	800,000
Do. do. Army	-	3,640,000
Do. do. Ordnance	-	728,716
Do. vol. 6, p. 175—Navy	-	3,408,777
Do. do. Army	-	3,063,476
Do. vol. 7, p. 157—Navy	-	1,202,229
Do. do. Army	-	1,840,761

The Annual Register, for the year 1786, states that the expenditures—perhaps I ought to say, *supplies*—were,

For the year 1786—Navy	-	\$1,800,000
Do. Army	-	1,600,000
Do. Ordnance	-	348,000
Do. 1787—Navy	-	2,286,000
Do. Army	-	1,876,287
Do. Ordnance	-	228,576
Do. 1788—Navy	-	2,411,407
Do. Army	-	2,045,812
Do. Ordnance	-	437,707
Do. 1789—Navy	-	2,328,570
Do. Army	-	1,917,062
Do. Ordnance	-	459,444
Do. 1791—Navy	-	4,008,405
Do. Army	-	1,907,237
Do. Ordnance	-	151,000

For a series of five years, at that period, beginning with 1795, we have the following:

For the year 1795, p. 171—Navy	-	\$5,200,000
Do. do. Army	-	2,773,534
Do. do. Ordnance	-	2,321,000
Do. 1796, p. 82—Navy	-	5,720,000
Do. do. Navy ordnance	-	624,152

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Do.	do.	Army	-	6,194,452
Do.	do.	Army ordnance	-	1,744,471
Do.	1798, p. 38—	Navy	-	12,538,000
Do.	do.	Army	-	10,112,000
Do.	do.	Ordnance	-	1,291,000
Do.	1800, p. 26—	Navy	-	12,619,000
Do.	do.	Army	-	11,370,000
Do.	do.	Ordnance	-	1,615,000
Do.	1801, p. 32—	Navy	-	15,800,000
Do.	do.	Army	-	15,900,000
Do.	do.	Ordnance	-	1,738,000

No one will question the safety with which reliance may be placed on the British expenditure for land and naval purposes. To aid this view, I will observe that in many instances of the supplies the estimate appears to have been made at £4 per month for each man, whether in the land or sea service. Is it necessary to call the attention of the committee to the fact, that in the course of years reviewed, the British navy has been every where successful; her army only occasionally so. If then the experience of the past and the best estimate of the future, evince that naval equipment is not more costly than land equipment, and since an army is not the safest instrument of defence, we are led to inquire into its effect or applicability to our situation. If the view be taken as some have done, that the force you are to provide is to give additional security to commerce, then indeed were argument unnecessary as it is self-evident that regiments are altogether inefficient for that object. If limited to my view, namely, for the defence of our sea-coasts, the shores of our bays and rivers, and for the protection of that great highway that lies between Orleans and Maine, the peculiar application of naval force is almost as apparent. Take a view of the seacoast, its extent, the number and boldness of its rivers, and it will point at once to the kind of force necessary for its protection. That view will show you also the extent of the interest at stake which it is the duty of the Government to defend. I thank the gentleman from Kentucky (Mr. McKEE) for his calculation. I did not hear him accurately, but have no doubt of its correctness. He came to this result: with the building twenty ships-of-the-line and forty frigates, you would, at the end of the war, be \$80,000,000 in debt. Admit it. On your seacoast and rivers you have not less than fifteen or twenty towns, worth on an average the sum of \$80,000,000. To save one then would compensate the expense, and my object includes besides all the farms and farm-houses, to say nothing of the lives of their inhabitants, which would be of equal, and I believe greater, amount in value than all the towns. There is then left the coasting trade, which, as within the mark, I will state at \$80,000,000. How then stands the calculation of the enemies of our system? How great the saving over the cost? And on us is the duty to make it. My district strikingly evinces the inefficiency of bayonet defence. There is within its bounds more water than land; and you cannot go five miles in but few directions without meeting with navigable water; nay, sir, my State exemplifies it. We count in our bounds

the expanded bosom of the Chesapeake, the bold tide of the Potomac, navigable one hundred miles into the interior of the State; the James river as extensive; the Rappahannock and York but little inferior, leaving out of view the lesser inlets. This view is stronger, when we consider the kind of war we shall be engaged in. Conquest, as relates to Great Britain at least, is allowed to be out of the question. What other kind of war then will she carry on? A predatory one. Her floating force will commence at Boston or further North; if you are found prepared, the enemy will move on to the first assailable point—when your force have followed her there, she will abandon an exhausted place for one more abundant in plunder. Being led this dance to the southernmost point, you may then be led the dance back again. Is this chimerical? The experience of the Revolutionary war proves it. For they then first possessed Boston—driven from thence, they came to New York, from which place their naval superiority enabled them to send detachments to Charleston, Virginia, &c.

Extremes are not always the safest mode of reasoning; but in this case, the view it exhibits is a striking one. Suppose the United States to be at war without a single ship. The smallest vessel may insult and injure you in all your waters; and for this I refer to the British sloop in Charleston, and the Cambrian in New York, claiming jurisdiction in your very harbors; and I am sure all who are within the hearing of my voice anticipate before I name it, the fatal consequence to one American citizen at least. This total imbecility on the water is strongly exemplified in the history of China; permit me to read an extract taken from a newspaper:

"The excellent policy of a great nation's being destitute of a navy is strikingly exemplified in China. Here two or three millions of people are kept in continual awe and consternation from the marauders on their coast, who send and carry off their wives and children; stop all the unarmed vessels they meet in the rivers of that fine country, and pillage and plunder almost without resistance. Even some of the Chinese are themselves obliged to co-operate with them, or at least render them assistance by forbearing to oppose for their own preservation. Now a few frigates would be more than sufficient to silence all these piratical ladrones; but they have too much of the American unpolitic policy for such expense; nor will they wantonly expend one dollar for naval defence; though ten would be saved in consequence of it."

We have some neighbors in St. Domingo, and elsewhere in the West Indies, who know how to make as good ladrones as are made in the Chinese seas; and when we shall become totally defenceless, it is not probable that their talents will be unemployed and their powers inert.

This fact is not dependent on this scrap, but is known to every man conversant with that country. I am just presented with a note from a gentleman, saying, at this time an American captain from Newport is engaged by that immense empire as a defender against those ladrones. I am led to another view of the subject by the statement of the gentleman from Kentucky, (Mr. Mc-

KEE,) who said that one county near Baltimore could pay more taxes than the whole State of Ohio. Now taxes are the sinews of war. I should thank the gentleman, if he would calculate the loss that might be drawn from the seaboard by a contemptible floating force. And here the resources of the nation would not only be lost to your own Treasury, but they would be applied in aid of the resources of your enemy. I have shown you how assailable we are on the seaboard. The temptation to plunder is admitted. Will you then disregard your duty and leave us unprotected? I feel strong in the appeal to this House, that they will extend to us a portion of the strength of the nation.

It is not in man to be perfect. Complete protection is not asked; but we hope not to be reduced to the humiliating condition of being deemed unworthy of public protection. As to the quantum of defence, the argument of the gentleman from South Carolina (Mr. CHEVES) is relied on as unanswerable. What, sir, if it cost you \$80,000,000, shall it deter you when it has been shown that more than twenty times \$80,000,000 will be saved by it! But Great Britain has a thousand ships, cries every opposing tongue—a thousand ships, perhaps, swim on the imagination of every one that is silent. Sir, I accord with my friend from Pennsylvania, or rather, perhaps, I ought to say I admire his magnanimity in giving his enemy the praise of bravery and of skill. Will he not, with me, look to the monument at the Navy Yard, to the fate of Somers and Israel? Must we be reminded of the Philadelphia, attacked under the walls of Tripoli by a third or fourth of the force which defended her? Shall I bring to his recollection the bombardment of Tripoli by one frigate and a few gunboats, or the final effect which our few frigates produced on that Power, compared with that of the Neapolitans, with, I believe, four ships-of-the-line? I trust that these instances will suffice as proof to my friend, that, if the British are brave, his countrymen are equally so. Since we are led to this nation and its thousand ships by my friend, let us consider her conduct at the period of the Spanish Armada. Its particular number is not material; but it was styled by British historians invincible. Did the British nation then, headed by a woman, submit? No, sir. The sequel is known—a tempest came, and the armament was destroyed. Had Britain then a population to support and defend her seagirt frontier greater than America? No. If, indeed, there is no help for us, but in a blast from Heaven to disperse these one thousand ships, let us take the counsel in the fable, and first put our shoulders to the wheel, and then call on Heaven, and this appeal I will join, in confidence that a free people are the peculiar care of Heaven. With unequal sail, let me follow in the wake of my friend from South Carolina, in the argument as drawn from the number of British ships. He gave you their stations, and asked from which could the force be spared to detach to these seas. I would ask at what time, in what instances, has she been able to make distant detachments, and

what have been the number? Lord Nelson went up the Mediterranean with, I think, fifteen sail-of-the-line—a French fleet that effected the capture of Cornwallis, was, I think twenty; yet it was months before Great Britain could collect in these seas a force to compete with De Grasse. It will be better to refer to the memory of gentlemen than to fatigue them with multiplied instances. Let it not be said that seven millions of freemen are not capable of defending themselves.

Thus, sir, in a desultory way, I have given you some of my views on this subject, not all, because I have thought much; but the want of habit does not enable me to condense or arrange my views: my feelings tell me I have occupied my portion of your time.

[NOTE.—It was intended to have compared the expenditure for the British navy, which is understood to be for the last years \$17,200,000, with the expenditure of the French army, which is believed to be \$40,000,000.

By report of the Secretary of War it appears that a regiment of infantry will cost per annum, \$167,031. Do of cavalry, \$273,506. A 74-gun ship will cost for same time, by report of the Secretary of the Navy, \$202,110.]

Mr. MITCHELL said, he addressed the Committee under impressions of great diffidence, after so full an elucidation as the subject had received, particularly from his honorable friend the chairman of the committee that reported the bill, (Mr. CHEVES,) who had supported it with cogent reasonings; and his other honorable friend, (Mr. BASSETT,) who had maintained its expediency by perspicuous statements. I should have been willing, Mr. Chairman, to remain silent on this occasion; but coming, as I do, from the principal seat of commerce in this nation, and being the immediate representative of its greatest mercantile emporium, I feel a more than usual impulse to make known to you my sentiments on the question. If, in so doing, I shall not pursue an even course, but appear somewhat immethodical and desultory in my remarks, it will, I trust, be ascribed in part to the difficulty of selecting topics not already touched upon and exhausted. For the laborers who have gone before me with their sickles, have so completely gathered the harvest, that I consider myself but an humble gleaner in the field.

The bill now under consideration contains several distinct propositions for increasing the naval power of this nation. The two prominent features which it exhibits, are, first, the repairing of such public ships and vessels as now lie in ordinary, and rendering them fit for service; and, secondly, an augmentation of our floating force, by constructing a number of line-of-battle ships, and additional frigates. The other provisions of the bill, as to men, money, and docks, are merely incidents to the great objects contained in the first and second sections. As the whole bill is open to animadversion, and as its principle has been discussed at great length, I shall rather direct the observations I have to offer to the chief subject of naval increase, than to matters of detail in its modifications.

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The people whom we represent here, in this House, may be called emphatically a commercial people. All of them, and more especially the eastern and northern portions of the inhabitants, have a deep interest in the use and employment of the ocean. Their land is the more valuable on account of its contiguity to that highway of nations. They have availed themselves of their situation to educate expert merchants and navigators. They are owners of vessels and cargoes; and these, together, with their persons, they expose on the tempestuous waves; dispositions of this character marked the infancy of the Colonial settlements. Even while confined within the restrictions imposed by the master Government over his provinces, they gave admirable proofs of their knowledge and adroitness in almost everything that related to trade and shipping.

Thus, a commercial spirit was interwoven, as it were, with their original stamina. What they first acquired by practice, was perpetuated by imitation. To this day, it is cherished by habit; by continuance, it has become necessary to them, as a sort of second nature. This tendency of their mind was strengthened by the freedom of the institutions under which they lived; and, before the lapse of half a century, from their landing in these climes, they disputed fiercely with their governors about patronage and prerogative. In process of time, attempts were made to tax their commerce without their consent, and to levy money upon them, not voted by representatives of their own choosing. They resisted; they appealed to arms. The duties on glass, painters' colors, and tea, were not oppressive in their amount; but, being wrong in principle, our predecessors, unalterably attached to a free jurisprudence, and a free trade, declared magnanimously that they would not tolerate the encroachments. They adopted the maxim of *principiis obsta*, of opposing tyranny at its onset. They made early opposition, and their resistance was effectual.

The quarrel which terminated in the Revolution was thus the offspring of a misunderstanding, principally commercial; and, indeed, grounded in commercial restrictions. And I mention it to demonstrate the temper and feeling of our people, while yet in the Colonial condition, upon this important point. That was a contest upon a precautionary idea, and undertaken less from any injury actually sustained, than from oppression apprehended.

Independence was, nevertheless, attained, and our citizens were thereby emancipated from their provincial thralldom. Immediately, they became more commercial than ever; they quickly doubled the stormy Cape, and made visits to India and China—they braved the billows, and bade defiance to the tempests—they proved themselves daring and intrepid, almost beyond example. Shall I attempt a few sketches in the maritime history of these sons of liberty? They wield the axe better than any other people; they vanquish the stately tenants of the forests, and subject the oak, and the pine, and the cedar, and the locust, to their power; they model and construct ships

more skilfully than any nation on the globe. I quote the naval architects of New York, Boston, Philadelphia, Norfolk, and Charleston, in proof of my assertion. The excellence of their structures, whether you regard their burden or their speed, is without a parallel in ancient or modern times. Nor are our countrymen deficient in the management and direction of such floating machines. They can spring a cable and weigh an anchor more expertly than the trans-atlantic sailors; they can hand, reef, and steer better; they can perform a prescribed piece of service quicker; they equal the most able of the foreign mariners in expedients to lessen the dangers of the storm, and to extricate themselves from the horrors of a lee-shore. Their activity has really wrought wonders. While some of them are exploring high latitudes for a Southern continent, another has taken possession (Crusoe-like) of the remote island of Tristan d'Acunha; while a third teaches the arts of civilization to the natives of the Sandwich Islands, and a fourth plants the seeds of empire on the banks of the Northwestern Columbia. To belt the globe, is become with them a common feat, an ordinary act of commercial outfit. The sandal-wood of the Feejee islands, the pearls of the Carolinas, and the *buche de mer* of the Philippines, are sought almost as familiarly as the productions of the West Indies. If they find force necessary to carry on that commerce, they apply that force, remove difficulties abroad in their own way, and excite no inquiries at home about their proceedings. By individual effort the science of physical geography and the art of circumnavigation, are as much improved now-a-days, and in this country, as they have heretofore been by the munificence of nations, even with European monarchs at their head. And, what is worthy of particular notice in these voyages, they who engage in them perfectly know how curiosity may be blended with profit, and how the air, the water, and the earth, may be so laid under contribution as to afford them a rich reward for their toils.

I have heard it said, that the revolutionary Congress had conceived, as soon as the individual States could be prevailed upon to surrender the impost then belonging to them, a duty of five per centum ad valorem, would defray all the needful expenses of the General Government. All their calculations of future income rested upon commerce. The framers of the Constitution, under which we are now by God's blessing assembled, appear to have entertained similar views of the system of revenue. This may be inferred, from the power expressly given to Congress "to regulate commerce." And this, sir, is not a dormant power, like that granted, but never exercised, "to fix the standard of weights and measures." It has been often the object of legislative enactment. It is one of the most weighty and important concessions of power that that incomparable instrument confers. I conceive the authors of this Constitution to have been the lords of the soil, and the true representatives of the landed interest. They were not a convention of professed mer-

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chants; but merely an assembly of gentlemen with commercial feelings. They have left one of the strongest proofs of this that was ever recorded, by prohibiting Congress from laying a duty on exports. Thus that patriotic body, with a jealous vigilance and foresight, took care of the agriculture and the commerce of their country. Knowing the connexion between these two great branches of human enterprise, in nature and in fact, they would not sever them in practice nor even in theory; and for the most valid reasons that can be conceived. Agriculture has been declared to be the mistress, and Commerce the hand-maid. Yet the correctness of this may well be questioned. Their relation is of another kind; more consanguineous and more intimate. I should rather pronounce them to be sisters; that the sisters were of twin connexion; and that Agriculture had the advantage of Commerce only in the circumstance of being the elder-born. Away then with that political error which disjoins ties and affinities so intimate as these!

The Constitution also bestows upon us the power to build and employ a navy; intending, no doubt, thereby to afford a safeguard to that property and those persons who were embarked in commerce. It was perfectly plain that rapacity and violence had not deserted the earth; that unprotected wealth would tempt the hand of cupidity; and that the weak would occasionally in these days of refinement, as in the ruder times of yore, be made the prey of the strong. Letters of marque and reprisals were therefore authorized upon proper occasions; and rules concerning captures were intrusted to our legislative discretion.

Fully possessed of all this knowledge and all this power, the people of the United States have been remarkably pacific; they have been more than pacific; they have acted under a persuasion that other nations would be equally pacific, at least towards them. Our citizens have entertained too good an opinion of mankind; and in consequence, they have fallen alone and helpless into the dens of thieves and sharpers. They have adventured with large sums of money in their purses, among pirates and ruffians, without pistols and side-arms of any sort to defend themselves. Like the feeble, good humored and forgiving, everywhere they have been kidnapped, and plundered in all quarters. The millions and hundreds of millions that have been thus unlawfully seized, would have ruined any people but our own. But a productive soil, worked by industrious hands, repairs losses with amazing quickness. From this source it is, that such immense depredations have not exhausted us entirely. The waste of plunder has been great; but the efforts of reproduction has been greater. It have been urged, sir, that the hazards of trade may be guarded against by insurance. By paying a premium adequate to the risk, an adventurer can secure the sum mentioned in his policy against individuals or companies who would make good his loss. This is indeed true; and such operations are of the highest importance to men of business. But in the eye of a statesman or a sovereign, it is equally a

loss to the country, whether the underwriter or the assured shall be obliged to bear it. In either case, there is so much taken out of the country; there is so much minus in the great national account—and the process may be carried so far as to be ruinous to both parties. I wish to steer my course free and clear of such rocks and breakers as these. If the Treasury now contained but half the sum of the property burned, sequestered, detained, condemned, exacted for costs, charges and fees, and wrung from the owners under some foul pretext or other, we should possess more by half than is required to provide for the decent protection of our commerce.

We are told, nevertheless, that if the tracks of the ocean, in addition to their usual dangers, are so beset with enemies, it is best to keep out of harm's way by staying at home. This experiment has already been tried. An embargo of fourteen months was abandoned from a conviction of the impossibility of enforcing it. The people, it seemed, must and would trade. Many would adventure; no restraints could bind them. They proceeded to sea without the accustomed documents, and the courtesy of the British gave the runaways a favorable reception.

Our people, as I said before, are bred to commerce. They are devoted to navigation; barter and sale are their delight. The spirit of business warms them. Whether permitted or not, certain portions of them will go abroad in quest of better fortune. Nothing that I know, not despotism itself, will induce them to surrender their birth-right, the privilege of ploughing the ocean for a market.

It is not now the question, whether our constituents shall be a commercial people or not. That die has long ago been cast. We are so: and the dispute which at present agitates us, is a nullity, if we do not intend to continue so. If I was to engage as Plato did, in framing a constitution for an ideal Republic, or after the manner of More, delineate the form of an Utopian government, I do not affirm that I would exclude external commerce. But the visionary schemes of closet-politicians are not the matters upon which we are deliberating; ours is practical business. It is a decision of the course which it is wisest and best to take, under a constitution which recognises foreign trade, derives its principal pecuniary supplies from the exercise of that trade, and invests us, the legislative administrators of that constitution, with the presiding care over it.

The experience of ages has sufficiently proved that, if men expose their persons among barbarous strangers, they are liable, in a multitude of cases, to insult and captivity; and if they have treasure or merchandise in their possession, robbery and murder are but too often practised by the assailants. Does not the *sheik* who commands the caravan traversing the Arabian sands, know the danger of his undertaking? Is he forgetful that his camels, those "ships of the desert," with all their precious loading, pilgrims, hucksters, and all, will become the spoil of some freebooter, unless he shall be prepared to purchase a

truce by cash, or procure a peace by arms? Can any one be ignorant that, throughout the greater part of the world, force is the fashionable law; and they who cannot brave it must bend to it? The dissolution of the old settled rule and order of Europe in these tumultuous times, has produced a state of society among the nations there, both in its motives and actions, similar to the *lex fortioris* of the Asiatics. What is the inference to be drawn by a rational mind upon these things? Why, plainly, that the persons and property of the citizens of the United States, when abroad on lawful commercial enterprises, shall be directly protected by a force at hand, or, that the foreigners who violate the flag of our nation, do it at their peril, and under absolute assurance that they shall eventually be called to answer for it with an avenging arm. The high and mighty personages who rule the portion of mankind called (what a monstrous perversion!) civilized, have lost much of their respect for waxen seals and covenants on parchment.

Let us, for a moment, Mr. Chairman, examine the nature of the controversy we have with Great Britain. It puts me in mind of the man and his mistress—he vowed he could not live with her, and yet, he swore he could not live without her. The controversy is not territorial. We had, it is true, a discussion about the St. Croix river, and the boundary between the district of Maine and the province of New Brunswick. There is, also, a limit not yet ascertained by chain and compass, in the Northwest. The course from the Lake of the Woods to the head of the Mississippi, as directed by treaty, involves an impossibility. The article says it shall proceed west; geography declares it must run south; and the discordance has never been accommodated. But these differences of opinion between the parties are amicable, and have not been deemed causes of animosity, far less of rupture. Our dominion, therefore, is untouched. The controversy is not genealogical; we have no rival competitors for a throne among us; our people are not arrayed under their Tudors or Plantagenets; there is no faction distinguishing itself by the badge of the White Rose in opposition to that which decks itself with the Red. What have we to do with the blood-royal, and whether the true or spurious issue shall succeed? The right of suffrage is free, and I trust in God it will ever remain so. The electoral colleges perform their duty without molestation, and we beside the man who shall interrupt them!

Having thus endeavored to find what the dispute is *not*, let us try to discover what it *is*. If I can comprehend the nature of the altercation, it is purely commercial. I beg the Committee to observe how the matter stands. Before the Revolution Great Britain resolved to tax the colonies, but, injudiciously for her, attempted to gather the tribute in the colonial ports. This was resisted, and with such effect as to overthrow the system. Since the Revolution, the same country, availing herself of our preference for her productions and partiality to her manufactures, pursued her plan of taxation. But, grown wiser by dear-bought

experience, levied the contribution in her own ports, and collected it in the form of an export duty, by her own officers, and under her own laws; and this mode of raising money upon our consumption would have continued until this time, had not other proceedings given the alarm.

It is not my intention to weary my hearers with tedious recitals. I, therefore, briefly observe that, after various moves in the game of negotiation, (and a long game it was,) our Government was told that, if we would pay a transit duty to Great Britain, or trade under licenses bought from her, we might have access to the continent of Europe; that is to say, if you will pay her for the privilege to import your Champaign and Burgundy wines, and to carry to France your fish, rice, cotton, and tobacco, you may enjoy the trade, otherwise, you will be the subjects of capture and condemnation, wherever you may fall into her power. To avoid this degradation, we have declared a non-importation, and refused to be any longer one of her customers; whereupon, she has decided that, if we will not trade with her, we shall not trade at the shop of her enemy. And thus, between the trade of France, which is scarcely worth having, and that from England, which we have refused to have, we are brought to our present situation.

For outrages infinitely less than these, our predecessors in 1774 and 1775, resolved on resistance by force. Our adversary knows, this time, where to pinch us. She aims the blow at our vulnerable part. By a single *coup de main* she takes money from your people and their Government. With the same instrument of mischief she rips up their pockets and cuts to pieces the bag of the Treasury. With a foe so expert in creating individual discontent and public embarrassment, have we to contend. I am not, sir, indiscreet enough to launch all we possess upon the ocean. In my judgment, we ought not, by any means, to put the whole of our happiness afloat. Our nearest and dearest interests are on *terra firma*, and there they should be preserved and maintained. But, at the same time, I may be permitted to say that our rights on the ocean are too important to be sold or abandoned. It has been ingeniously contended that our people are well typified by the mammoth, a great land animal; and by others, that a becoming emblem would be the leviathan, a huge inhabitant of the water. If I should not provoke the risibility of the Committee by the observation, I would remark that the much derided tortoise, an amphibious creature, familiar both to land and water, was a more appropriate symbol; employing the former for the multiplication of its race, and the latter for their better subsistence.

To employ an army alone would be to fight with one hand tied behind our back. To equip a naval force in aid of the other is to strike with both hands. And, in making a trial of our energy, I wish it may be done *totis viribus*, with might and main. The idea I have, sir, of a floating force is, the construction of as many armed ships and vessels as are commensurate with our

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abilities; and we are able to accomplish much, if we please. I would authorize our merchant ships, which, in my opinion, have already the right to arm in their own defence, to make prize of those who wrongfully attack them. If need required, I would, on an emergency, hire ships, and arm them in defence of the people's rights. I would grant commissions to individuals who were inclined to cruise. I would make the most of the force which the *gun vessels* (I will not call them by their hackneyed name) afford; and I would add the succor which block-ships, fire-rafts, and torpedoes promise us. By these means a little fleet might be created which would more than protect your ports, harbors, and bays. It would cause your authority to be respected beyond the marine league from the shore. It would carry the honors of your flag to a natural and well defined boundary, the Gulf Stream, the space between which and the coast might be reckoned part of the national domain. I would not attempt, Mr. Chairman, the construction of a thousand ships, to contend gun for gun with our opponents. Nor, had I fifty vessels, would I send a challenge to the enemy to come with an equal number, and array themselves for a pitched battle. No such gasconading and folly as that. My advice would be, so to use our vessels that, with the least unnecessary exposure to damage and capture on our part, we should give as much annoyance as possible to the foe. As the reasonings of negotiation have been ineffectual, a more conclusive logic, and a more irresistible argument are required.

I am not much addicted to prophesying, but I cannot refrain from conjecturing a few of the consequences that may result from a torpid behaviour on this occasion. Imagine, sir, a busy and commercial people acting without the patronage of their own Government. Certain results may be tolerably well foreseen.

The naval stores with which our country abounds may take their departure for foreign magazines and arsenals, and increase the strength of the nations to whom the latter belong, to do us the greatest harm.

The shipwrights and artists, whose business it is to rig and repair ships, may shoulder their tools and travel for jobs and wages to the navy yards beyond our limits.

Our native seamen may, peradventure, follow them; and through want of employ on the one part, and under bounties and tempting encouragements on the other, be induced to enlist themselves in an alien service.

The merchants of the United States may possibly be induced to purchase the licenses dispensed by the stronger Powers; and, under their cover, pursue an unmolested, a lucrative, but an abhorred commerce.

Owners of ships and vessels may be induced to arm more extensively than heretofore practised, in their own defence.

Companies of merchants and underwriters may find it expedient to lessen the chances of loss by

equipping convoys of their own for protecting the vessels they insure.

Lastly, for I shall mention but one more of these contingencies, our seafaring brethren, when left too much to themselves and exposed to rapacious pirates, as well as to the boisterous elements, may conceive the project of combining and confederating the defensive efforts of the maritime cities, (as Hamburg, Lubeck, and their allied towns did in the middle ages), and of forming a new Hanseatic league in the Western hemisphere.

And really, sir, the mode proposed in the bill, of adding security both to our coasting and our foreign trade, is so plain and obvious, that it is difficult for me to conceive how, in the present demoralized and distracted state of the nation, protection can be granted in any other way.

With this view of our violated commerce, and of the inconveniences resulting from such violation, I have a firm conviction that it is worthy of peculiar regard. But, protection requires expense, and our citizens are believed to be averse to the taxation and contribution necessary to defray that expense. I feel, indeed, it is a hard and ungrateful task, to demand money from our constituents for the purposes of the Treasury. But I feel also the strongest persuasion that they will consent to the requisition when they are satisfied it is made for their own benefit, and for asserting their essential rights and interests. I know not what other members may think on this subject; but, for that section of the Union which I have the honor to represent, I have uniformly found them prompt and open-handed in works of charity, benevolence, and mercy. When liberality and public spirit are in request, it is not their custom to be wanting. And now, when under the pressure of commercial embarrassment, and the menace of the most serious evils, they are asked to aid the finances of their country, I cannot permit myself, for one moment, to imagine they will grudge their ratable proportion. Be the sum, therefore, more or less, the cause, the noble cause of which I am the advocate, justifies the expenditure. The undertaking must not be abandoned by scanting the means. Our resources are amply competent. We will put our shoulders to the wheel, and do what we can. We have an unimpaired credit to make loans. We have public lands in store, which may be pledged for the fulfilment of our engagements. Above all, we possess more than mines of gold, in our industry and enterprise. And as the objects for which we contend are of the highest importance to our successors, I am willing to draw bills upon posterity for the amount of the balance unpaid.

The means are easy, then. No doubt can be entertained of the bravery of our commanders and crews. The Spaniards, the Moors, the Greeks, and even the English were astonished to behold the officers and seamen of our Navy passing the Straits of Gibraltar on their passage from New York to Tripoli, in boats so low, so small, so ill adapted to cross the Atlantic. Such a mixture of discipline and intrepidity was a phenomenon, both in the history of that war, and of navigation.

This voyage in boats, not vastly superior to batteaux, has an air so romantic, that it reminds one of the witches who were fabled to traverse the surface of the deep in egg-shells. Should there be in the nation a person who doubts, let him examine the pages of history, where are recorded the deeds of Rogers, Decatur, Truxton, and Preble, in chastising the enemies of their country. And, allow me, Mr. Chairman, to direct his attention to that sumptuous monument, erected by the officers of the Navy at this place, to immortalize Somers, Wadsworth, Israel, and their associates, for their gallant contempt of death.

Here you distinguish the love of glory, that ornament of an individual and of a people. Oh, may we ever cherish among us the ardor for an honorable fame! May we at no time forget to pronounce eulogies and utter songs, upon the benefactors of our country. This elevation of soul imparts a dignity to the human character, which is of inestimable value, and of a nature too ethereal to be classed with the gross possessions of life, or to be rated in any denomination of current money. It is the lamp of life; when it burns dim it is the symptom of great disorder in the moral constitution; and when it goes out, it shows that the disease is desperate indeed.

TUESDAY, January 21.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting a list of the names of persons who have invented any new or useful art, machine, or manufacture, and to whom patents have issued subsequent to the twenty-eighth of December, 1810, in obedience to a resolution of the House of the 13th instant.

NAVAL ESTABLISHMENT.

The House again resolved itself into a Committee of the Whole on the bill concerning the Naval Establishment.

Mr. JOHNSON said: I do not know, sir, why I should regret the discussion of any subject in this place, when I recollect that each member is under the same obligations of duty and responsibility. It has been said that no member would be thanked for his vote in favor of this bill—and, fearless of censure, I shall oppose this attempt to lay the foundation, and to pledge the property of the people for naval systems, as ruinous to the finances of the country, as it will be destructive to the peace of the nation. After every effort in my power, I could not suppress the sensation of sorrow, that Congress should be distracted with a subject that would justly excite alarm throughout the nation, even in the hours of profound tranquillity. I have looked to the Treasury reports, and I see a national debt of about fifty millions of dollars. I look to the aggressions of England, and I find we have been driven to the necessity of creating a great and expensive military force to avenge our wrongs and to expel the enemy from her North American colonies. I look to the arguments of the advocates of this pernicious system, and they acknowledge that we are driven to the brink of a

war that will require loans and taxes, and end in a new debt of at least fifty millions of dollars—and under these circumstances, when we are upon the heels of a second revolution, when the people are likely to be most pressed for the ways and means to carry on the war with vigor and certain success, the ruinous system of a great navy is pressed upon us. Upon the return of a second peace, when the British possessions shall be incorporated into the Union, and our army disbanded—when commerce shall be restored, and a surplus of revenue in the Treasury—after meeting the demands of the Government, with more propriety might the question be presented for consideration. I believe, sir, since the political reformation in 1801, the question of building a navy had never been before presented directly to the consideration of Congress. When Mr. Jefferson, that illustrious character, presided over the destinies of the United States, why was not this navy-building proposed? Then we had a revenue of fifteen millions of dollars annually, and a surplus in the Treasury. No, sir, such a system had been put down too recently—the struggles against a navy in '98-9 were not forgotten. I deny the capacity of the United States to maintain a navy without oppression to the great mass of the community in the persons of tax-gatherers; and if a great navy could be maintained, it would be more than useless—it would be dangerous to the peace and tranquillity of this nation. I was in favor of repairing and putting into service the whole of our naval force, consisting of one hundred and sixty-two gunboats and upwards of fifteen frigates and smaller war-vessels; because this naval force, united with our fortifications, would give security to our coasts and harbors, protect our coasting trade, and would be important in the present crisis to co-operate with privateers and individual enterprise against the commerce and plunder of Great Britain. But this is not the object of the bill. It contemplates and embraces a navy to protect our commerce in distant seas as well as at home, and which cannot cost less than twenty or thirty millions to accomplish; and, when built, would entail upon the Government of the United States the annual expense of fifteen million of dollars, equal to the amount of our whole revenue in the most prosperous years of commerce under the administration of Mr. Jefferson, and double the amount of our present financial income. It is the system, as well as the expense, that I object to; and while I am ready as any man to keep a small naval force, to be confined to the protection of our maritime frontiers, as well as I am to keep up a small land force, to protect our territorial frontiers, I will not vote one cent for a system of naval force which is destined to keep foreign nations in check in distant seas, and destined to entail upon this happy Government perpetual taxes and a perpetually increasing national debt. The people will not support such a Naval Establishment—they have the corrective in their hands; and build this fleet of twenty seventy-fours and forty frigates, and the people will in their turn put them down. But, sir, we are told, that we are

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a commercial people, and that you cannot restrain a spirit of enterprise in our citizens which is limited only by the polar snows to the North and the icy mountains to the South. No person has attempted to damp that gallant spirit, that mercantile enterprise—such adventurous voyages have been fostered and cherished by every means in the power of the Government. But, sir, has this unparalleled enterprise, this gallant spirit, been carried on by a navy? Such a thing has never been thought of, which proves that this question of a navy has no connexion with this commercial enterprise; and the existence of one without the other, is positive proof of the fact. But it is also said, that agriculture and commerce are twin sisters, and the learned gentleman from New York (Mr. MITCHELL) will not allow a more distant connexion. I have no objection to such a union, and I did expect that it would have been demonstrated what was the real relationship between these twin sisters and a permanent navy; whether it is that of cousin-german, brother, or husband. As these subjects have not been identified, I must be permitted to say that there is no connexion—unless under the disguise of protection, the navy would be the destroyer both of commerce and agriculture—by taxes upon the one and constant war upon the theatre of the other. The advocates of a navy need not expect to cover the deformity and danger of the system by telling the people they are friends to the protection of commerce—and that those who oppose it are ready to relinquish our rights upon the ocean. No, sir, this will not do. They will ask if our commerce, as great as it has been, was ever protected by a navy. They will look at the expenditure of the public money—they will see twenty-nine millions of dollars expended upon our present Naval Establishment; and though they may not complain of that prodigal waste of public money, upon so small a naval force, they will look to the effects produced by this power, and they will refuse to augment it, until, indeed, the Peace Establishment shall require augmentation. The people will look to the votes of this House, and they will see the opposers of a Navy willing at this moment to avenge the depredations upon our commerce and neutral rights by actual hostility. I am not prepared to give up our rights, whether upon the ocean or upon land, whether commercial or personal; but I may differ in the means of avenging these wrongs, and vindicating those rights, and I shall ever differ from those who wish a navy to ride triumphant in distant seas, and, under a pretext of protection to commerce, doom the nation to galling burdens too intolerable to be borne. But we are told, sir, that this question partakes of the character of a self-evident proposition. Indeed, sir, and in what respect is it entitled to this definition of self-evident? Unless, indeed, from every consideration of history, experience and reason, it is evident that a navy is an engine of power and ambition, calculated to embroil a nation in quarrels and wars, and to fix permanent wretchedness upon the industrious class of the people. When we look to

the delegation from each State, we find a difference in sentiment upon this subject, whether lying on the seaboard or distant from it.

The chairman of the Naval Committee has attempted to make us believe that a navy is the anchor of our hopes, and I dare venture to say, his eloquent colleague (Mr. WILLIAMS) will in due time denounce it as the most abominable system—always employed in the fell purposes of outrage, plunder, war, and death. The same division of sentiment exists in Massachusetts as to this destructive and expensive establishment. And, sir, let me not omit to mention, the sentiments of the Republicans of 98-9, were not only entitled to the love and confidence of the people, but worthy of our imitation. Nor will I omit the resolutions of the Virginia Legislature in opposition to a navy, when they remonstrated against measures which they considered ruinous to the freedom of the United States—nor is my respect for those opinions lessened, although many Republicans in Congress at this time, and men of talents, have become great advocates for a navy, and I will put it to the people whose opinions are entitled to their approbation, whether a navy beyond the peace establishment is ruinous, or the rock of our safety.

Leaving the division of sentiment in our country, let us advert to ancient and modern history, and search for examples upon this important subject. And here, sir, I will take this position, and defy history for an example, that no great naval power ever confined their naval strength to the legitimate object of protecting commerce in distant seas. I will refer to Tyre and Sidon, Crete and Rhodes, to Athens and to Carthage. No sooner had these nations ceased to confine their naval strength to their maritime defence at home, to the protection of their seacoast, than they were engaged in plunder, piracy, depredations upon other nations, or involved in wars, which certainly accelerated, if it did not produce the downfall and destruction of those Governments. Peace and tranquillity is not the natural state of a great naval power. A disregard of public law, sacred treaties, and bloodshed, would suit it better; and it has been, and ever will be, the consequences of such force. These nations furnish another example and instructive lesson to the present generation—that while their commerce and navy furnished a small part of the people with the luxuries of every country at that time known, the great mass of citizens at home were miserable and oppressed. Their rights neglected, their burdens increased, and their happiness destroyed, while their fleets and external grandeur carried astonishment and terror to distant nations. When a nation puts forth her strength upon the ocean, the interior of the country will be neglected and oppressed with contributions. Ancient history does not furnish a solitary instance of any permanent good, or long continuance of peace arising from a great naval supremacy; such overgrown power, such unnatural strength, must feed upon plunder, at home and abroad. When we come to modern nations we have proof before us of the positions I have taken. We have been told of Holland, as a people exist-

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ing in a most flourishing state of prosperous commerce without a navy to protect it, and we have been told of Spain as a naval power without commerce to protect. But leaving these examples, let us look at France and Great Britain; we here have examples before our eyes; we need no history; the facts are before us.

Admit that Great Britain, with her thousand vessels, could protect her lawful commerce, let me ask, if her navy has ever been confined to that object; whether it is confined to that object at this time; whether her navy has not fattened upon the spoils of Europe, Asia, Africa, and America, and the commerce of neutral nations, making war equally upon friends and enemies. Her navy, triumphant in every sea, is employed in a system of plunder against the world, and, notwithstanding this supremacy, we see her citizens groaning under a national debt of eight hundred millions of pounds sterling, more than all the nations of the universe could pay. We see her upon the precipice of bankruptcy—we see her people, her numerous subjects, loaded with taxes, that would astonish any man who did not know the fact—notwithstanding this, the public debt is daily increasing, and it is now acknowledged by all the world that she is fighting for her existence—victorious at sea and safe at home from invasion, and still her very existence is at stake. Sir, I never wish to see the liberties of my country afloat upon the ocean and staked upon the strength of a navy. Look at France, separated from her enemy by a narrow channel, without vessels to meet the fleets of England on the water, and still she is unable to burn the seaport towns of France or invade the French territories, or in any way to make an impression upon her. Populous and powerful upon land, nothing but the imperial despotism that exists throughout that vast empire, prevents the country from being the most enviable residence upon the globe, except our own favored land. Let not the Congress of the United States therefore stake their existence upon navies, let us not withdraw the protecting hand of Government from the soil; let us not increase the burdens of the people, and weigh them down with a public debt to support external grandeur. Do not by this system destroy the affections and attachments of the solid and honest part of the community, who support the Government of the country.

Sir, the report of the Naval Committee has assumed principles as erroneous as they are novel—that the protection of maritime commerce was, above all other objects, the first and the greatest consideration which laid the foundation for the present Constitution. There is nothing to warrant such a position; and no reason does exist why our commercial rights should have been better secured than the other various rights and interests embraced by that charter of our independence. In the specific grants of power, Congress has the authority to regulate commerce with foreign nations, with the several States, and with the Indian tribes: not giving preference in language to foreign over State and domestic commerce. I will admit, sir, that our commercial

rights formed one of the primary considerations—not more primary than the rights of agriculture and manufactures, nor the rights of property, the rights of persons, protection from foreign invasion and aggression, or from internal foes. These rights were equally important, and not less the considerations which strengthened the bonds of the Union. And if any consideration had a preference, it arose from considerations of peace and war.

When I look into the preamble of the Constitution, which to be sure is no specific grant of power, but is an interpretation of the objects of that great charter of our Union, I find it was to establish justice, insure domestic tranquillity, provide for the common defence and general welfare, and to secure the blessings of liberty, that the Constitution was adopted; and although maritime commerce has only a co-equal right with all others, still, the greatest means and resources of the Government have been directed to its protection. And still it would seem, if we do not ruin the nation by the establishment of a navy, we wish to make encroachments upon commerce, to damp the commercial spirit. And this we are told in the face of facts, which appear upon record, and in the face of every expensive war measure now taken and adopted. Sir, in a colonial state, it was a duty upon tea that was the immediate cause of a war, which was bloody indeed, and continued upwards of seven years; a conflict which has no parallel in history as to its beginning and termination. And at this moment, violations of our neutral rights upon the ocean is a primary cause why we are about to wage a second war with Great Britain; and still we are gravely told that we are unwilling to protect commerce, and that we are ready to abandon it, because we will not vote away the substance of the people upon a system of policy which must ruin the nation if not crushed in its infancy. The Constitution says, Congress shall have the power to provide and maintain a navy. And this has been read. So has it authorized Congress to raise and support armies, to lay and collect taxes, and declare war; but the Constitution does not fix the limit of these powers, and all are liable to abuse. And the Convention did not suppose that any Congress would so far abuse these powers as to keep either a standing army in time of peace, which must endanger the liberties of the people, or a permanent navy, that would involve us in continual wars with other nations, and permanent taxes upon the people. A reasonable Peace Establishment to protect our maritime and territorial frontier, consistent with strict economy, must have been contemplated; and this force, naval and military, we have maintained; and we are as secure as a nation can expect to be from savages or a maritime foe. There would be as much reason why we should keep in pay five hundred thousand regular troops in time of peace, as your twenty vessels of seventy-four guns and your forty frigates, in addition to our present naval force. In every point of view, therefore, a permanent navy is as injurious to the country as a

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standing army. One will endanger your liberties by conquest, and the other by wars with foreign nations.

So far from our not having protected commerce, it has engrossed the whole attention of the Government. I am ready to go farther; but not with a view to neglect other rights and interests equally dear to us all. I wish to see every facility given to the interchange of commodities among the several States. It would be a pleasing spectacle to my mind. We are blest beyond every other people, in soil, climate, and productions. The rice, cotton, and sugar of Orleans, Georgia, and South Carolina, the lead of Louisiana, the hemp of the Western States, the tobacco and flour of North Carolina, Virginia, and the middle States, including Pennsylvania, the warehouse of every commodity, and the manufactures and shipping of New York and the New England States. This trade would be valuable, and would not depend upon the caprice of foreign despots. But we are asked, emphatically, how will you protect commerce? The answer is easy. We will protect it as we have protected it. In times of peace, we will act with justice towards all the world; we will pass navigation laws, and divert the commerce of the country from nations who will not respect our rights. If these expedients should fail us, we must resort to the last alternative—war. For, before we make war it will not be pretended that we can authorize our navy to avenge the wrongs of our merchants, or you would take from Congress the right to declare war, and give it to our naval commanders. But I am asked, how will you contend with a maritime nation, without a navy? Sir, that question is as easily answered as the first. I will ask, how we succeeded in the Revolutionary war? We were without any security upon our seacoast, and still we succeeded. But to be more specific—I would grant letters of marque and reprisal, and authorize privateering. Give scope to individual enterprise, to destroy the commerce of the enemy—which can be done effectually. I would fortify our seaport towns; station our gunboats and frigates along our coast, to protect us at home. And in this way I would in war avenge the infractions of our neutral rights.

It has been asked, if we were secure from maritime invasion. I answer, we are well fortified against any naval force; not beyond possibility of injury, but as well secured as can be expected. We have one hundred and sixty-two gunboats, and frigates and sloops amounting to fifteen now in service, and two or three sea-worthy, might be repaired. The Gulf Stream has been fixed upon, in the opinion of the learned gentleman from New York, as the proper limit of our territorial sea. I have no objection to that limit; I think nature has fixed that boundary for us; and considering our coast to differ from the bold shores of Europe, it would not be unreasonable to claim this as a sea in which our vessels should be exempt from search, or any other rule of the laws of nations. I will yield to no man in protecting commerce, or any other right of the nation. But

I wish to confine myself to legitimate means, and not means that will be as fatal to the happiness of the country as the evil intended to be remedied. We have been told that our commerce is interrupted by picaroons and pirates from the West Indies, and the many insults and injuries which we have suffered within or near our ports and harbors. These things are no argument with me to augment our naval force at this time. Arm your merchant vessels, and they will never complain of buccaneers or pirates from St. Domingo; and this is a right that should be given to them, under certain regulations; and as to the indignities which we experience from the war vessels of Great Britain, I will state that it was our own fault that we did not on those several occasions wipe away the insult and avenge the injury received. When the unfortunate Pierce was murdered by a British naval officer, and carried into New York, would it not have been the most correct course to have taken satisfaction upon the same vessel from which the injury was received? If so, the means were as much in our power as if we had owned forty frigates; the order alone was wanting. But was the course a correct one in abstaining from farther bloodshed? If so, let it rest. In the attack upon the Chesapeake, would it not have been most prudent to have sacrificed that vessel and her crew? If so, a force could have been collected in a few days to have made the sacrifice; the order alone was wanting. In those two cases, and in every other indignity committed within our own waters, the desire of peace and the nature of our Government prevented the immediate satisfaction for the grievance, and an appeal was made to negotiation. From these considerations, no argument can be drawn to support a naval establishment. If we have been tardy in resisting the injuries we have received from foreign nations, we must ascribe it to the proper cause, and not to the want of a navy. But, if something more must be done at this time, and we must expend more money to secure the coasting trade, I would offer a substitute for the bill upon your table; I would take up the report of the Secretary of the Treasury upon roads and canals, and I would adopt his idea, and execute his plan of opening an inland tide-water navigation from Boston to Georgia, by cutting four canals, which would not cost more than three millions of dollars, according to the estimates, viz: from Boston to Rhode Island, above the isthmus of Barnstable; from the Raritan to the Delaware; thence to the Chesapeake; thence to Albemarle Sound. A navigation more secure in war, or more secure from interruption, than you would receive from your forty frigates and your twenty seventy-four gunships. But this durable navigation has not the splendor of navies about it, and I could not expect my substitute to be adopted; internal improvements of this kind do not suit our towering minds. Now, sir, if we had the free navigation of the St. Lawrence to the North, as we have of the Mississippi to the South, connected with this internal tide-water navigation, we should embrace the most impor-

tant interests of every part of the United States. We are told that this is the cheapest mode of defence—naval protection is the cheapest mode of defence. It may be so in theory and in calculation, but I know it is not so in practice. It is admitted generally that the navy of Great Britain has involved her in greater expenses than any other system of defence, and the oppression of the people is greatly owing to this cause. But, sir, the advocates of a navy speak as if this force would supersede the necessity of armies, fortifications, &c. Is it possible that any man can suppose that the establishment of a navy would dispense with fortifications? No matter what your force, if you had no fortifications, such a city as New York might and would be laid in ashes. Some daring Admiral, such as Lord Nelson, or Preble, if any other nation could boast of such a man, would rush into danger and court death to accomplish such an object—an attempt which would be folly against well built fortifications and batteries; so with Charleston and Boston. These places are not going to give up their fortifications and their cannon. I would inquire, in my turn, whether this cheap defence, the navy, could quell the savages on the Wabash, or take the Canadas and Nova Scotia. I suppose the advocates of a navy would dispense with gun-boats, that most invaluable species of defence in ports and harbors, shoals, or still water. A species of defence recommended by that illustrious man, Mr. Jefferson, because he knew their utility at home, and the little danger of their being used in distant seas, to acquire naval glory alone. I would call the attention of the House to the St. Lawrence, the Delaware, the Mediterranean, the ports of Europe, and the Baltic, the theatre of their successful operation in almost every instance. Ridicule and laughter shall never change my opinion as to their efficacy. But, sir, the evil of impressment must necessarily grow out of this establishment. It has been contended already that we would have the right in time of war to prevent our seamen from going on board privateers, and we could compel them to serve in our national ships. This then is the doctrine of impressment in its fullest extent. You restrain the citizen in his movements, and compel him to serve on your vessels of war. Make a pretext for war, and every poor man in the country would be in danger of outrage to his person, and compelled to leave his wife, his children, and sacred home, to serve in your vessels of war. Mention is made of the martial spirit of our citizens, and the gallant spirit of our naval officers. No man can appreciate their bravery more than I do. The attack upon Tripoli, crowned the American officers and seamen with as much glory and honor as any battle or sea-fight that we read of in ancient or modern history. They contended with unequal forces; they grappled with the enemy at his own door with unequal numbers, and they conquered.

But, sir, these glorious conflicts gave us a name, and immortalize those who are the actors in the scene, without being connected with the real

happiness or prosperity of the nation. I have traced, in the pages of history, Lord Nelson, the British Admiral, to the Nile. I see him crowned with never-fading laurels, in the engagement off Aboukir; I see him ride into the Baltic, and, by prodigies of valor, reduce the Danes to submission; I see him off Trafalgar, where he died in the arms of Victory. But notwithstanding these achievements, I see the national debt of England increase; I see all England still under her load of taxes; I see the common people unhappy and oppressed. I wish to confine our gallant officers to the defence of our maritime frontier. In war we shall have enough for them to do. I wish such men as Rogers, Decatur, Gordon, and the rest of our officers who are ready to devote their lives to the service of their country, kept near us, and not sent to distant seas to fight the battle of the Nile, or storm Gibraltar.

I shall conclude with remarking, that I have endeavored to prove in the course of my remarks that this is an unfavorable moment to agitate this question. That the sentiments of the people are against such a system, and that ancient and modern history do not furnish arguments in favor of a naval power; but that navies have been and always will be engines of power, and employed in projects of ambition and war; that the consequences of a navy are perpetual internal taxes and a public debt; the incapacity of the nation to support a great navy, and its tendency to draw the hand of protection from the rights of the people at home; and that naval forces have never been and never will be confined to the protection of commerce, but will be engaged in plunder and constant violations of the laws of nations; and, lastly, that commerce has had its share of protection, and that the war we are about to wage is principally for the violations of our neutral rights upon the ocean.

MR. LOWNDES.—Mr. Speaker, in one opinion, expressed by the honorable gentleman last up, (Mr. JOHNSON,) I can concur. The Constitution was not formed for the exclusive protection of commerce, but for the defence of all the interests of the United States. These are to be protected by the whole force of the nation. If he had adhered throughout his speech to this opinion, the question would have been narrowed to the inquiry, by what means shall commerce be protected? He has asserted the adequacy to this purpose of the naval force which we now possess. This is, indeed, a different view of the subject from that which was taken by his honorable colleague. We were told but yesterday, that the undivided exertions of the United States could not give them a navy large enough to be useful. To-day the five frigates which we have in commission are thought sufficient, if properly employed, to redress all our injuries. The death of Pierce might have been revenged, and the disgrace of the Chesapeake obliterated, if these five frigates had been sent a cruising. We did not want force, but spirit to employ it. Can it be necessary gravely to answer these assertions? May I not trust their confutation to that general knowledge of the subject

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which every member of the House possesses? Must we inquire what number of British vessels have been lately stationed near our coast, or what greater number it is in the power of England to station there? My honorable friend from Pennsylvania has produced a paper (not exactly for this purpose) which he will allow me to make use of. It states that, in July, 1811, the English had at Halifax, Newfoundland, &c., three ships-of-the-line, one fifty-gun ship, and five frigates—in the West Indies, two ships-of-the-line, one fifty-gun ship, and nineteen frigates. I shall say nothing of their smaller vessels; but a few weeks would have sufficed to have brought these thirty-one ships of war to any part of our coast which England might have chosen to annoy. Now, does the gentleman from Kentucky mean to say that our five frigates were competent to the attack of such a force as this? He does not say this, but he does say that our coasts are to be protected, and the vessels of our enemies driven beyond the Gulf Stream. How? Not by our present force. What other mode, then, would he employ? We have no unreasonable partiality for a navy. We indeed, wished to possess one, because we thought that it furnished the most natural and practicable method of defending those seas which the honorable gentleman is himself determined to defend. Our means he will not adopt. Let him tell us, then, what other method he would resort to. Let him explain his project. We will listen to it with the anxious wish that it may offer some better instruments than ships for maritime defence.

I cannot suppose that the canal, from Maine to Georgia, formed a part of this project. It would not drive the enemy beyond the Gulf Stream. It would not protect our seamen in their employments. It would not give them employment. But, does the gentleman believe that, in respect to the general interests of the country, this canal with all its apparatus, its towing paths and mules, would be a fit substitute for the sea, which brings our most distant ports into one neighborhood? A conversation with any merchant of Boston or New York would abate, I believe, the confidence even of its author, in the utility of his substitute.

But, although the honorable gentleman from Kentucky is determined to defend commerce by some method which he will not fully disclose, his arguments, like those of my honorable friend from Pennsylvania, appeared designed to show that commerce was not worth defending. After the full discussion of this subject, produced by the report of the Committee of Foreign Relations, and the debates, at every stage of the bill for raising an additional army, the House might have supposed that this question was at last dismissed. I hope, however, to be excused for remarking that both these gentlemen have considered the profits of commerce as confined to the merchant. They have forgotten that commerce implies an exchange of commodities, in which the merchant is only an intermediate agent. He derives, indeed, a profit from the transaction—but so must the seller and the buyer, the grower

and the consumer, or they would not engage in it. So must all those who are supported by their own industry in commercial cities—the clerk, the artisan, the common laborer. But my honorable friend from Pennsylvania says that Mr. Pitt estimated the profits of commerce in England at only twelve millions for a year, in which the naval expense was fourteen or sixteen millions. I suppose this estimate to have been made in relation to the income tax, and it obviously must have referred only to the profits of merchants. The profits of merchants may be computed, but no sober financier would attempt to compute the entire profits of commerce. If it be desirable to form, not, indeed, an estimate, but some conception of its importance, let my honorable friend compute the value of New York, where a few square feet of land are an estate, and then compare it with the value of the same extent of ground for the purposes of the plough. But, is it in this nation, and at this time, that it can be supposed that the profits of commerce are confined to the merchant? Your trade was, a few years ago, unrestrained and flourishing—did it not enrich the most distant parts of your country? It has since been plundered and confined. Does not the industry of the country languish? Is not the income of every man impaired? If commerce were destroyed, the mercantile class, indeed, could exist no longer; but the merchant, the rich capitalist, at least, would individually suffer less than any other part of the community, because, while their property would become unproductive, the value of money would rise rather than fall.

The value of commerce, then, has been strangely misunderstood by these gentlemen, who suppose that they have calculated it so very accurately. But, whatever may be its value, you have already determined to defend it. Considerations of expense are not, indeed, to be neglected. We must employ, in the prosecution of the war, the cheapest and most efficacious instruments of hostility which we can obtain. But the arguments of the honorable gentlemen on the other side, are, almost all of them, directed against the war rather than the Navy. It would be absurd, say they, to protect commerce by a navy, which should cost more than that commerce is worth. It must yet be more absurd, then, to protect it by an Army which costs much more than the Navy. In the comparison of the expenses and of the efficiency of an army and navy, instituted by my colleague, there is nothing invidious. The Army is acknowledged to be necessary. It has had our votes. But, from the acknowledged propriety of raising the Army, was fairly inferred the propriety of employing a navy, if it should be proved to be less expensive in proportion to its probable efficacy. War, and all its operations and all its instruments, must be expensive. It is difficult to determine upon the expediency of employing any of these instruments, except by comparing it with some other. To compute the result of this comparison, the honorable gentlemen on the other side must show, not that it is more expensive to maintain a navy than to be without one—not that

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it is more expensive to go to war than to remain at peace, (these propositions they, perhaps, have proved,) but that the objects proposed to be attained by the Navy may be better or more cheaply attained in some other way. My honorable friend from Pennsylvania, then, in determining not to follow my colleague in the investigation of the comparative expense of different kinds of force, must have determined to avoid the best, and, indeed, the only method of examination from which a just conclusion could be deduced.

But the gentleman from Kentucky employed an argument or an assertion, which I know not how to answer, because I know not whether I correctly understood it. A navy, says the honorable gentleman, cannot protect commerce. It never has protected it. Why he should suppose that it cannot, I am unable to conjecture. That it has not, is a strange assertion in a war in which the merchant ships of one belligerent are spread over every sea, and month after month passes away without our hearing of a capture by the other. But, can the honorable gentleman mean that, if England were without a navy, her vessels would be as safe from capture as they now are? Would the price of insurance be exactly the same? Would the French fleets pass as much of their time in port?

Mr. JOHNSON explained. He had not said that a navy could not protect commerce, but that it was usually employed rather as an instrument of power than of defence.

Mr. LOWNDES continued. Then the objection to a navy is, that it gives indeed a power which may be used for the best purposes of our national association, but which may also be abused. Is not this the nature of all national power? The security against that ambition in our rulers which would involve their country in wanton war, must be derived from the strength of the Constitution, and not from the weakness of the nation. The interest of the people can never be promoted by unnecessary wars, and the frequency of our elections will not allow that interest to be long neglected. It would hardly be wise, then, to render the country weak by way of preventing it from becoming ambitious and tyrannical.

The honorable gentleman from Kentucky, however, who spoke yesterday, offered objections to a navy, which, if they were well founded, would supersede all further reasoning and calculation. He opposes a navy now—he will oppose it forever. It would produce no possible good and all possible evil. It would infallibly destroy the Constitution. Will the honorable gentleman tell us why? how? He sees the danger clearly? Will he explain it? An ambitious General might corrupt his army, and seize the Capitol—but will an Admiral reduce us to subjection by bringing his ships up the Potomac? The strongest recommendation of a navy in free Governments has hitherto been supposed to be that it was capable of defending but not of enslaving its country. The honorable gentleman has discovered that this is a vulgar error. A navy is really much more dangerous than an army to public liberty.

He voted for the army and expressed no fears for the Constitution. But a navy would infallibly terminate in aristocracy and monarchy. All this may be very true. But are we unreasonable in expecting, before we give up the old opinion, to hear some argument in favor of the new one? The honorable gentleman has asserted his propositions very distinctly. We complain only that he has not proved them.

Yet there is a view in which this question of a navy is, indeed, closely connected with the Constitution. That Constitution was formed by the union of independent States, that the strength of the whole might be employed for the protection of every part. The States were not ignorant of the value of those rights which they surrendered to the General Government, but they expected a compensation for their relinquishment in the increased power which would be employed for their defence. Suppose this expectation disappointed—suppose the harbor of New York blockaded by two seventy-fours? The commerce of that city, which exists only by commerce, destroyed? The protection of the General Government claimed? Your whole navy could not drive these English seventy-fours from their station. Would the brave and enterprising people of New York consent to see their capital emptied of its inhabitants, and their whole country beggared by so contemptible a force? Their own exertions would raise a fleet which would drive off the enemy and restore their city to its owners. But, when a single State shall find herself able to raise a greater fleet than the General Government can or will employ for her defence, can it be expected that she shall consider that Government as essential to her safety—as entitled to her obedience? I repeat that the Federal Constitution was instituted by the States, that the strength of the whole might be combined for the protection of any part which should be attacked. But what is the nature of the defence which one of our large States may be supposed interested to obtain from the General Government? Is it a land force? We can scarcely expect an attack on land, to repel which the militia of New York or Massachusetts would be unequal. Were either of these States attacked, the General Government would protect her by ordering out her own militia. To render the Union permanent, you must render it the interest of all the States, the large as well as the small, to maintain it; you must show them that it will provide, not an army which they can have without it, but what without it they cannot have—an adequate navy.

The honorable gentleman who anticipates the destruction of the Constitution, unless we shall neglect one of the great interests which it was intended to protect, considers the English Orders in Council as leaving our institutions firm and untouched. Regulations, the effect of which is to give to a foreign Power the complete disposition of the property of a large class of our people, are it seems in their political result innocent. Although every citizen who has property on the ocean become dependent on the English Ministry,

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become their subject, our liberty and independence are (we are told) unimpaired. But let a navy be raised—let the Government which expects obedience provide protection, and the Constitution perishes!

But we have been referred particularly by my honorable friend from Pennsylvania to the experience of the world, as having already decided the question which we are now discussing. It seems that Venice and Genoa, and every other naval Power which can be named, have all furnished abundant proof of the ruinous effects which such a force is calculated to produce. Sir, the assertion is new. I do not pretend to an intimate acquaintance with the histories of those nations, but I have hitherto believed that the first great shock which the power of Venice received, was given by the League of Cambray—a league formed to repress her ambition, not of maritime, but of territorial aggrandizement. But, whilst Venice has lost her independence, after maintaining it for five or six centuries, may I ask my honorable friend whether the States of Italy, which were never oppressed by fleets, had enjoyed a longer term of prosperity and freedom? As to Genoa—her naval power, her independence and glory, rose and sunk with the same man—Doria. But Holland, says the gentleman from Kentucky, affords an example of a nation, whose commerce flourished greatly before it had a navy, and decayed while her navy continued powerful. If there ever were a people, whose naval power has been employed to protect and almost to create their commerce, it is the Dutch. They fought their way at the same time to trade in the East Indies and America, and to national independence in Europe. The decay of their trade is to be attributed to the development of the resources of other nations; to the navigation act of England; and the similar measures adopted by other Powers. As to France—the period of her greatest financial prosperity probably coincided with that of her greatest naval power; both were due to the administration of Colbert. But the evils of a navy (gentlemen tell us) have been concentrated in the case of England. With all her fleets she is destined soon to lose her independence. The expense of those fleets has crushed the industry of her subjects, and must soon reduce her to national bankruptcy. Let us suppose that these gentlemen, who have been so much mistaken in regard to the past, may be more accurate in their narrative of the future. Still England will have owed to her fleets her redemption from invasion for ages past. While every other considerable nation of Europe has been bankrupt over and over again, she is not yet bankrupt. While nearly every other Government of Europe has been over-set, hers yet rides out the storm. Should England fall to-morrow, it should seem impossible to deny that her navy will have prolonged her independence for at least two centuries.

But it is said that our resources do not enable us to maintain a navy powerful enough to be of any advantage in a war with England. I feel no disposition, sir, to disguise the difficulties of the

question. The proposition of my honorable colleague was, that the resources of the nation are sufficient to enable it to support a naval force by which, in the present state of Europe, we may reasonably expect to maintain a superiority in the American seas. In this opinion I fully concur. I believe that the smaller force which has been mentioned (twelve seventy-fours and twenty frigates) would probably be adequate to this object. But, before I say anything of its adequacy, I must notice the calculations by which my honorable friend from Pennsylvania has attempted to show that such a fleet cannot be supported. My honorable friend stated, with unquestionable accuracy, the present expense of our navy, according to the Secretary's estimate. He divided this sum by the number of guns, and applied this rate of expense to the estimate of a fleet of seventy-fours and frigates. I have not attempted to go through his calculations. But, if the figuring be right, the answer must be wrong. The principle of the calculation is erroneous. A gun in a gunboat is supposed by the Secretary to cost about \$12,000 a year, in a frigate about \$4,000. This may not be the true expense, but there seems no reason to doubt its being pretty nearly the proportional expense. If therefore we compute the expense of a fleet of frigates from that of a fleet of gunboats, the estimate would very evidently be three times as great as the real expense. [Mr. SEYBERR explained. His calculations had not been founded on the expense of a fleet of gunboats, but on the Secretary's estimate for the expense of the present year, which provides for keeping in service only sixty-three gunboats.]

I never hear my honorable friend, sir, without pleasure; but I have certainly heard him without conviction. He has mistaken the answer which has been given to his calculations. It is this—an estimate of the expenses of frigates founded on the expense of gunboats, would be wrong; because a gun in the one costs three times as much as in the other. An estimate therefore of the expense of a fleet consisting entirely of frigates, or larger vessels, founded on the expense of a fleet composed partly of frigates and partly of gunboats, must also be wrong. If the number of gunboats be very small, and their expense in proportion to that of the larger vessels trifling, the error in the calculation will be unimportant. But unluckily this is not the case in the calculation of my honorable friend. The expense of the gunboats in the estimate alluded to is one-third of the expense of the whole Naval Establishment.

My honorable colleague has calculated the expense of building and maintaining a navy of 12 ships-of-the-line and 20 frigates, and has explained the principles on which his calculations have been founded. The estimate of the gentlemen from Pennsylvania can hardly be considered, after the error which has been remarked, as impugning those calculations. I have not myself attempted to estimate the probable expense of maintaining 12 ships-of-the-line and 20 frigates with any precision, but I cannot doubt the fairness of the rule which deduces it from the expense of such a force

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to England. This is the rule which I understood my colleague to have employed. It has not been disputed in debate; it has been in conversation. Many gentlemen have objected to an estimate of the expenses of a navy during war, in which (as they suppose) no allowance is made for the peculiar expenses which war involves. To have all our ships safe at the end of the contest is observed to be rather a sanguine expectation. But if the rate of expense in the estimate of my colleague were deducted from the rate of English expense during war, these objections must be altogether groundless. Now, it *was* deducted from the expense which is found sufficient to maintain the English Navy in a state of unimpaired strength during war. The English expense, from which it was inferred, included the charge of docks and navy-yards, of the repair of old ships and of the building of new ones. It included pensions to their officers, and even the support of the prisoners taken from their enemies. I have on my table a detailed account of the English naval expenditure for a year of the last war. The whole amount was about twelve millions and a half, and of this sum fully four millions and a half were applied to what may be considered the contingent expenses of the navy. Now, is there any reason to suppose that the contingent expenses of our navy would be greater in proportion to its force than this? And if not greater, has not an allowance been made for the capture of some of our ships, or in other words for the building of new ones? It is true, that from the superiority of English sailors to their present enemies, England loses little by capture, and, it may be supposed, that from the greater frequency and severity of our conflicts when we shall be engaged in war against her, our contingent expenses may be greater in proportion to the number of our ships than hers. But there are many expenses to which she is necessarily subject, from which we shall be exempt. I will instance that resulting from blockading squadrons, and that from repairs in colonial and foreign ports. These can appear inconsiderable to no man who has given his attention in any degree to the subject. Naval men I believe would not contradict me, if I were to state the expense of a ship employed in a strict blockade, and particularly during the winter months, as fully double that of a ship engaged in ordinary service. In fact, England finds the expense too great for her finances, and has been obliged, in some measure, to give up the practice. The other article of expenditure to which I have referred, I shall not attempt to estimate with any precision. It must, however, be obvious, to every man, that the ships of war of England must frequently be repaired and refitted in distant countries. In these the most scrupulous fidelity and economy on the part of her officers cannot prevent the expense from being frequently extravagant. The most salutary regulations and most provident instructions on the part of the Administration at home cannot prevent her officers from being sometimes careless and fraudulent. I recollect an instance of the enormous expense involved in the distant services re-

quired from the British Navy, which I cannot pretend to state with accuracy, but in which I hope not to be substantially wrong. Sir Home Popham (a distinguished officer in the English Navy) had under his command in the last war two or three frigates in the East Indies. They had left England in good condition, and their repairs for two or three years, and the supply of the different articles of equipment which they occasionally required, exceeded, I believe, the prime cost of the vessels themselves. These two items of expenditure, blockading squadrons, and repairs in distant countries (to neither of which an American Navy would be liable) will be acknowledged, I think, to justify the conclusion, that the contingent expenses of the English Navy must be as great in proportion to its force as ours would be in war—and therefore that the rule employed in the calculations of my colleague was correct.

But our resources for the equipment of a navy appear to the honorable gentlemen on the other side, as deficient in respect to men and money. Sailors in this country cannot be obtained in sufficient numbers without impressment. It is not necessary, sir, to inquire whether for the defence of their peculiar rights the services of a marine militia may not be required. There is no reason to doubt our being able to procure the voluntary services of our seamen. If we shall at any time be engaged in a war (like that with France in 1798) which shall leave the greater part of our trade unaffected, the wages of sailors will, indeed, be high, but the number required will be small and the Government can afford high wages. In a war of a different character—against a nation powerful at sea—your sailors will be thrown out of employment and their wages will be necessarily low. But gentlemen object to this reasoning on the supposition that in such a case our sailors would all engage in privateers. The notion that in any war there will be a demand in this country for more than thirty thousand sailors for privateers is surely an extravagant one. But it has been shown by my colleague that in a war which should diminish our trade by one-half, (and a war requiring any great naval exertion would necessarily do this,) thirty or forty thousand seamen may be employed in privateers, and a sufficient number would remain for your public ships. But are not your privateers as much a part of the naval force of the nation as your ships of war? It has been said, indeed, that they are the more useful part. Now, if the Government should believe (what neither sober reflection nor the experience of other nations can permit it to doubt) that this part of your force cannot be in any great degree serviceable unless supported by a fleet—then surely a limitation to its extent, which would be necessary even to the interest of its owners, cannot fairly be objected to. The law just passed for raising twenty-five thousand men, provides, I think, for only one regiment of cavalry. Now, it is very possible that a much larger proportion of the twenty-five thousand men than can be accommodated in this regiment, may choose to go to Canada on horseback. They must be disappoint-

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ed, and either not go into the army at all, or go into the service which they least desire. No man has hitherto denounced the act as on this account tyrannical and oppressive. Yet this case seems to me a true parallel to the other. In the naval, as in the military service, the interest of the country requires the employment of different sorts of force; and the object may be attained with equal fairness in both services by limiting the amount of the favorite force.

But why should we speculate loosely on a subject on which we have already had some experience? We have now, I believe, as many seamen as soldiers in our service. Have we found more difficulty in procuring them? An addition to the army has become necessary; and even with the unexampled bounty which has been offered, there are men who doubt whether the enlistment will be very soon completed. Without any bounty, I have been informed, that the number of seamen in our service may be greatly increased. Is this not a practical decision of the question? An application to the Secretaries of War and of the Navy, will, I am sure, confirm it.

But the great difficulty in the subject before the Committee, consists in the question as to the adequacy of the force which has been mentioned. I have said that I believe (with my colleague,) that in the present state of Europe, twelve seventy-fours and twenty frigates may reasonably be expected to give us the command of the American seas. I do not mean that they would prevent English vessels from ever appearing off our coast; but they would prevent their maintaining a permanent station there—they could prevent their blockading our harbors. What force must England maintain in order to blockade ports on this side the Atlantic? It has been said a force at least triple that which is blockaded. This opinion (which is supported by high professional authority) has been supposed to rest on the necessity of what may be called a double relief of vessels. But, without expressing any opinion in regard to this argument, it is, I think, sufficiently clear without it, that England, in order to blockade our fleet, must maintain three ships for one. The accidents to which a blockading squadron on our coast must be always liable—the probability of its being scattered—of one of its vessels being dismantled, and obliged to go for repair to some distant port, would render it not only dangerous, but desperate, to attempt a blockade with equal numbers; because equality would soon cease. It is not to be presumed, that England would attempt to blockade twelve ships-of-the-line in American ports by fewer than eighteen of her ships. Now, these vessels could not remain at sea forever—they must be relieved—they must be repaired. For this purpose (without considering the necessity of victualling and watering,) eighteen other ships would be indispensable. Thirty-six ships-of-the-line, then, would be necessary in order to give England the command of the American seas. Could she spare these?

To show that she could not, my colleague has mentioned the stations occupied by her squadrons,

and has asked, which of these could be prudently weakened? The conclusion which he has drawn from this induction is confirmed by the history of the naval actions of the present and last war. In Lord Howe's victory, in Lord St. Vincent's, in the battle of the Nile, of Camperdown, of Trafalgar—in all these the English force was inferior to that of their enemy. Battles, on the issue of which depended the possession of a most important province—the dominion, perhaps, of the sea—the safety of the State, have been intrusted to fifteen and twenty ships. In the battle off Cape St. Vincent, the disparity was fifteen to twenty-seven. Why, in these important actions, did England suffer her fleets to be outnumbered? Do gentlemen on the other side suppose that it was from a spirit of chivalry—from a romantic valor that disdained to calculate the number of its enemies? They do the English Admiralty great injustice. The inferiority was the result of necessity, not choice. And if they could detach but thirteen ships-of-the-line to dispute the conquest of Egypt, it should seem improbable that they can spare thirty-six to dispute the command of the American seas. At some future time, however, some of these gentlemen appear to think it possible that it may be wise to build a navy. But what are the circumstances which can render it wise to build one hereafter, and which do not require it now? Shall we build one when we have all the materials and artisans which are necessary to its construction? We have them now. Shall we build one when the number of our seamen enables us to rank among the first naval Powers of the world? In the number of our seamen we are now inferior only to England. But perhaps we have no occasion for a navy; perhaps we have found, that without one, our commerce is everywhere undisturbed, and all the nations of the Old World friendly and just. There is scarcely one which has not plundered us. We have now the means. We now feel the necessity for a naval force; the arguments by which it is assailed now may be employed as well at any future time to perpetuate our dependence on the nations of Europe.

But the command of the American seas could not, it is said, if you had it, secure your commerce. Your ships beyond the Cape of Good Hope, in the Baltic, or the coast of France, would not be benefited by it. It would secure your sea-coast from being plundered or ravaged. It would give direct protection to the coasting trade, which is acknowledged to be more important than any other. It would indirectly protect all your trade—because it would render it the interest of every nation to respect the rights of a people who would not receive in war more injury than they could inflict.

It was said in some former debate (I think by the Speaker) that the true motive for the injuries which England has done us, was her jealousy of a commercial rival. I believe this to be the general opinion of the Committee. But it is strange that those who entertain this opinion should expect to obtain an honorable peace without any

naval exertion. If Canada be conquered, (as they say that in this case it must never be restored,) it is not easy to discover any strong inducement to peace which England would have in the consideration that you had got her colony and meant to keep it. To succeed in negotiation with a rival people, you must convince them that they will gain as much as you by the treaty which you propose. To terminate your war with England honorably, you must show that she will lose as well as you by its continuance. But when your whole trade—your foreign and your coasting trade, are destroyed, (and without a naval force it seems to me that they must be,) what argument would your most dextrous negotiator employ to show that the loss of England would be equal to your own from the continuance of the war? What equivalent would he offer her for the restoration of that commerce which peace would give you? What passion or what interest on her part would he oppose to that commercial jealousy which the war would gratify but would not satiate? I know not; but if the resources of the country be employed prudently, economically, vigorously, in the acquisition of a naval force; the command of your own seas obtained; our coasting trade protected; the West India trade of your enemies threatened—then, indeed, you may negotiate on equal terms. You may obtain respect for your flag without sending a national ship then in every sea of Europe and Asia, and will be paid in return for the safety which peace with you must give to the trade of England with her colonies. Your war will then have been honorable; your peace will be secure.

Mr. LAW said: Being in favor of the bill now under consideration, I beg leave to express my sentiments, and state the reasons in support of my opinion; and the only pledge I shall offer to the House, for their attention, is, that I shall not occupy much of their time.

This bill, sir, embraces two objects—one relates to the repairs and equipment of the ships of the United States now out of service—the other contemplates the building of ten additional frigates, and laying the foundation of a new Naval Establishment. The view which I entertain of this subject, does not arise from its connexion with that system which grows out of what is called the present crisis, or putting the nation in armor for war, as reported by the Committee of Foreign Relations; but from a conviction, that, as an abstract question or matter of general policy, I deem it for the interest and security of the United States, to begin the Establishment of a Navy, to be perpetuated and extended hereafter—and, because I believe it may be accomplished, to the extent at present proposed, from the ordinary means we ought to possess, without adding any new burdens on the citizens. In order to decide whether it is for the interest of the United States, we must examine, and see how it is connected with the great and essential interest of the country. The basis of our national wealth is agriculture; the real substance of the nation is drawn from the earth. This arises from the great and

extensive territory which we possess, thinly settled, low in price, of an excellent soil, capable, from its fertility and variety of climes, of affording produce of every kind, in the greatest abundance. The surplus of all is wanted in other countries, where nature has been less bountiful; and it must be a great while before the labor of our citizens can be diverted extensively into other channels—I mean manufactures. This is a condition in which we ought to rejoice, for the causes, which bind us in this necessity, are those which tend to preserve the morals, the happiness, and the independence of the nation. And until our lands are taken up, and population becomes redundant, the basis of our national wealth must be the farming interest. But, sir, in a country so blessed by nature; where the inhabitants have the greatest stimulus to industry, the fruits of their labor secured by just and equal laws; where the property cannot be taken from the owner without his consent, there will be a vast surplus, beyond what the consumption of the country requires. Hence, commerce springs up as the daughter and handmaid of agriculture. Without commerce, agriculture would languish. With it, wealth is consolidated, and industry promoted. It diffuses its benign influence, discoverable in the splendid and delightful improvements, which rejoice the eye of the traveller, throughout the country. And it is as unnatural for the farming interest to oppress the commercial, as it is for the parent to abandon its offspring. They mutually cherish and support each other; and, by natural sympathy, must be affected by the checks and disorders which each may receive. But commerce must be protected. It cannot protect itself against force. Being carried on abroad on the ocean, (for I am speaking of foreign commerce,) it is subject to annoyance, interruption, and hazard. We must pass the common highway of nations to get to a market; and in this route, the weak and defenceless must, and always will, be the sport and prey of the strong and violent, whom they may meet in the way. From the wretched state of those nations with whom we have intercourse, we, from weakness, must fall victims to their violence. This is an evil which we shall always experience as a neutral, coming in collision with belligerents. Shall we then abandon commerce, or shall we strive to support it? It will be for the interest of the country to support it, if possible; for if we abandon it, the evil will recoil on the agricultural part, who, no longer than foreign commerce is supported, can find a vent for their surplus; and without a vent for the surplus, a bare competency might be endangered. Internal commerce would always fail, for that, being but a stream from foreign commerce, must dry when the fountain from whence it issues fails. Enterprise ceases, and langour and poverty ensue. It is then for the interest of the nation to cherish commerce. But how can this be done? Will a navy have this effect? I think it will. Indeed, if the little Navy which was commenced some years ago, had been supported and increased as it might have been without any

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difficulty, we might, and in all probability should, have avoided our present calamities. We are now the defenceless prey of both France and England; deprived of the common rights of nations and citizens of the world. Will it then be asked, shall we not go to war and fight our way? I have already recorded my negative on the several questions preparatory to that step, and I am decidedly against going to war. We have not the means necessary, and unsuccessful resistance will only make our condition worse. I verily believe, if this nation had fostered our infant Navy, from the time it was commenced, and had not, by a strange infatuation, abandoned and neglected it, it would now have been too important to be despised, by either France or England. Our prosperity would have continued. Our strength would have been dreaded, and our friendship courted by both nations. While they have been contending for the mastery, we, with such naval force as we ought to have had, and a strict course of neutrality, might have pursued a lawful and gainful trade. We might have had a perpetual revenue of sixteen millions, instead of the pittance now received at the Treasury. I believe, that with the navy we might have had, and a correct strict neutral course, there would have been neither Berlin and Milan Decrees, nor Orders in Council, to annoy our lawful commerce.

But it is now too late to retrieve our past misfortunes. We can only profit by experience, and it will be wise to guard against the future. Let us now lay the foundation of that force which can alone protect us for time to come. It will afford a strong argument when we demand the free enjoyment of our just rights. I know it cannot be done in a day, or a year. But we may begin to lay the foundation, and gradually progress. The number of frigates contemplated by the bill is moderate. I have no idea of building a navy to cope with Great Britain; but, with ten additional frigates, it would afford great security to our coast and shores, which are now defenceless. Particular ports and harbors may be guarded by fortifications, yet they afford but a partial defence for our extensive seacoast. With the aid of such additional strength as the bill proposes, our Navy would be too formidable, in the way they could be brought to act at home in defence of our own shores, not to be regarded with some degree of terror by an invading foe, who, to assail us, must cross the Atlantic, and fight at odds on our own waters. This force, which might and ought to be increased gradually hereafter, with our fortifications, and a brave militia spread over an extensive country, ready to defend the soil, would, let the state of Europe be what it may, forbid the approach of a foreign enemy. If we continue destitute of such means of defence, they may invade our coast without molestation. With a Navy, though small, they would approach with diffidence; and our security from attack would increase, from the danger which would follow from the attempt. We are so situated, that, if ever hostilities exist between this country and

any other, the assault must be by sea. This is the only avenue to our territories which we need dread. Our soil cannot be defended without some naval force, and defence is all we ought to aspire to. The liberty of the country can never be endangered by this species of strength.

We ought not, sir, to look at the present time only. Imagine what our condition may be some years hence. By nourishing our resources, and preserving our neutrality, we must grow to be a great people, while other nations are mouldering away, and while the two mighty Kingdoms which now agitate and distress the whole civilized world, must, if the conflict continue, be dashed in pieces. This is no vain imagination. Other nations, as powerful, and as strong, have passed away. It is the course of nature. What will be the consequences, which may grow out of that event? The European world will then present a new order of things. And what will guard us from the rapine and violence which may follow from their downfall? When those nations shall be free from the control which now confines, and, in some measure, restrains them, pirates, buccaneers, and corsairs, will cover the ocean, in pursuit of plunder. Our very bays and rivers may afford security to freebooters. We shall be cursed and vexed with their marauding; and may be overwhelmed in the general deluge, in consequence of neglecting to prepare the ark in season.

Or, suppose France conquers England, the gigantic monster will then sigh for another world, and America is devoured by his cruel jaws.

Or, suppose Great Britain vanquishes France; if we have no force, to meet her on her own element, will she not treat us even with less form and ceremony than she now does? If we now lay the foundation of a Navy, which will increase with our strength, we may ward off these evils. They may, they probably will, come sooner or later.

But it is said, if we have a Navy, we shall be tempted to go to war, or be engaged in the controversies of other nations; and the example of Tyre and Carthage, and the modern nations of Europe, have been adduced in support of the argument. Sir, all nations must sooner or later be engaged in wars. This is incident to all countries. It cannot be avoided. From whence come wars? Not from navies; but from other causes, which ever will exist, whether they have navies or not. And so far from being correct is the argument drawn from this circumstance, that, I believe, it will be found by the history of ancient and modern nations, that those who were provided with navies were able the longest to preserve their national existence. They would have fallen much earlier without that defence. This was the case with ancient Tyre, Egypt, Greece, Syracuse, and Carthage. They indeed fell in their turn, and were swept away. Mortality is stamped on nations, as well as individuals. Look at Holland and England, among other modern nations. Is the argument true as to them? Holland, with her navy, was able many years, to be

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one of the most powerful nations of Europe. Without her marine strength, she would have, long since, been a mere province to some of her ambitious neighbors; her navy, probably, preserved her existence many years. Her bane was communicated on land, and cannot be ascribed to her navy. Take Great Britain, the only nation left—without her fleets, the island would now probably be improved as a garden for the great Emperor.

I think therefore, the argument, drawn from the history of nations, to show that their ruin is hastened by this cause, is not warranted. Let us then provide the means, which may preserve us; or, at least, not omit those means, the neglect of which may expose us to premature destruction. We can expect neither justice nor courtesy from nations, further than we can maintain it. Beyond that, you demand in vain. Sir, have we not the means in our power? No nation on earth is so well supplied with materials. Every article (copper only excepted) necessary for building and fitting ships for action, is the produce of our own country. No money is sent abroad for materials. It is all within ourselves. And we can boast of as good workmen as any on earth. But, it is said, now is not the time to begin. I think now is the very time. Workmen are out of employ, and the services of the best and most skilful men might be engaged at a reasonable price. The nation would not be impoverished; for the whole expense of building would still be among our own citizens. Nothing goes from the nation. Gentlemen have alarmed us with the expense of a Navy, and have mentioned the sum annually expended by Great Britain, which is said to be equal to fourteen per cent. on the whole amount of exports and imports in that kingdom—and from that infer, that it is a cancer which must consume the nation. The argument, to have force, must suppose so much is lost to the nation annually. The fact is otherwise. This expense is paid by the nation to its subjects, and is still among them. And is it not a fact, that, with all this continued expense, she never was richer or more flourishing than at the present time?

I shall not go into minute calculation as to our means. I wish only to advert to the report of the Secretary of the Treasury, the present session. In this, he states, that, with the ordinary revenue, such as we have had, we might, over and above all our expenses and debts as they were when the report was made, have a surplus of four millions annually, which is more than adequate to the objects proposed in the bill.

For these reasons, and others which have been offered, believing, as I do, that it would be for the interest and security of the United States to establish a Navy, to be continued and augmented hereafter, and that we have the means within ourselves, without adding any new burdens on the citizens, I shall vote for the bill.

Mr. ROBERTS observed, that there appeared to be a disposition in the Committee to take the question on the filling the blank in the first section without further debate. As he could not vote

for appropriating \$480,000, for the repair of the vessels of war unfit for service, it would perhaps be the most proper time to submit his opinions. I have not, Mr. Chairman, said he, been a listless hearer of the very ingenious arguments advanced by gentlemen in favor of the report. He had however been so unfortunate as to be more confirmed in his inclination to vote against the bill, from attentively weighing these arguments. The select committee in their report (for they had reported specially as well as by bill) have said, with oracular confidence, that this country is inevitably destined to become a naval Power. He had not, with them, become a fatalist. Though he was disposed to claim a high destiny for his country, he did not believe that destiny was yet immutably fixed. He, however, believed the question now to be decided must have an influence on that destiny, that might at an early day, if decided affirmatively, obliterate our happy civil institutions; if negatively, preserve them long the best blessings of posterity. Gentlemen, who have advocated a naval establishment, have chosen to consider this bill and report as the furtherance of a system already in existence, and that, however short of their wishes the Committee may be disposed to go, they stand prepared to view whatever might be done to augment the naval force as an evidence of assent to their system. Mr. R. said, at one time he had inclined to vote for the appropriation of a sum to equip such of the vessels now out of service as might be found worthy of refit. But on discovering it would be considered as an acknowledgment that a navy was proper in the sense it had been brought into view by the committee, and doubting on better consideration whether there was not great likelihood the money would be worse applied in repairing old, than in building new vessels, and feeling a conviction that if these vessels should be deemed worthy of repair, they could not be brought into action in that exigence of war when they could be useful, as in that case land defence must be resorted to and the consequent expence incurred, he should feel it his duty to vote against this appropriation.

The gentleman from Connecticut over the way (Mr. LAW) had called the attention of the Committee to a recollection of facts, which in that gentleman's view went to show, if a former policy had not been abandoned, we might now have appeared in such force on the ocean as would enable us to redress our manifold injuries, and perhaps have allowed us to have escaped the present crisis. I thank the gentleman, said Mr. R., for this intimation. It is true that it is not the first time this question has claimed the consideration of the Legislative Councils of the nation. If the gentleman's policy had not been abandoned, the \$46,000,000 of debt that has been extinguished might have been converted into a navy, that must have pledged us to Britain as long as her power was greater than ours. While the policy we are speaking of was pursued, though a time of peace, aggregated millions were added to the public debt, and a system of taxation introduced that noth-

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ing but a war could have justified. If the abandonment of such a policy excites the gentleman's regret, I cannot, said Mr. R. join him in regretting it.

It has been observed that the Constitution has invested Congress with power to regulate commerce, to provide and maintain a navy, &c. There is nothing, said Mr. R. imperative in this. It was necessary in a general grant of powers to insert many items to be left to the sound discretion of Congress, to use or not to use. Soon after the Government came into operation, it became a favorite object with one set of politicians to form a navy. On the occasion of our commerce being depredated upon by the Barbary corsairs, the question first came up. It became a matter of deliberation whether a peace should be purchased of them with money and presents; whether some European Power should be subsidized to keep a few frigates on that station, or whether a naval force should be equipped for the purpose (as alleged) of enabling the President to negotiate to better effect. The party with whom I have always found it my duty to act, said Mr. R., opposed, on that occasion, the commencement of a navy system, when it was invited under circumstances so specious. They were, however, in the minority. The ships of war were voted—with what effect on the Algerines, he did not stop to inquire. If this opposition to the commencement of a Naval Establishment was wrong in the minority, their successors ought not to follow them; but if it should be found that they were right, the ground ought never to be quitted. The question of increasing the Navy was again discussed in the celebrated times of '98-9. The collisions with France had raised the war fever very high. A navy was vociferously contended for as the most efficient means of defence. It was when things were in this state, that the President, in his reply to the Marine Society of Boston, who had with much fervor tendered him their approbation of his measures, hoped to see the wooden walls of America considered as her best defence. Because Athens, when she was invaded by the hosts of Xerxes, had chosen to interpret the oracle that promised her safety in wooden walls, rationally, America must take the same course, however dissimilarly situated. The people of Attica, inhabiting a circumscribed territory, found safety in their fleet, and they could have found it no where else. But such cannot be the case with America. Even the hosts of Xerxes could not make it necessary for the American people to quit their territory—the figure would not hold. On this occasion, too, the Republican party consistently opposed a navy; strange blindness and obstinacy, if they were not sustained by reason as well as principle. On this occasion, the supporters of a navy system were a majority in council. For a moment they succeeded with their measures. But the public councils were soon filled by the people with men of other minds, and the question was put to rest.

The select committee, said Mr. R., have said a naval system is now in existence which has

been limited by the dispensing security of the times and the want of revenue. In this position he could not agree with them. Since 1801 he had thought the system had been abandoned. He was, therefore, less disposed to take it up, after it had been put down by his political brethren with such mature deliberation.

The gentlemen, said Mr. R., who had spoken in favor of the report and bill, all seemed disposed to consider agriculture and commerce as inseparably connected. This he admitted willingly. It seemed to be admitted by the whole House. For what, he asked, have such armies been voted, and such sums appropriated for the purchase of the munitions of war? To protect our commercial rights and compel the observance of them: For this end the nation was about to wage war. The question to settle, said Mr. R., is, how shall the war be carried on. This question, however, has been determined. He was willing to consider this as a part of a system of general defence; but in doing so he did not feel any bias to particular interests. The defence of his country was his only object.

Taking gentlemen at their word, that by building additional frigates the public defence would be better secured, he could not think with the gentleman from South Carolina (Mr. Lowndes) this was the time to build them. If, said he, I am justified in refusing assent to an appropriation for the repair of the disabled frigates, because they could not be got ready for the war, that objection would lie much more strongly against building new ones. It must be impossible to get them ready for the war about to commence. While you are building your navy, can it be imagined Great Britain will be inattentive to the object of destroying what ships you now have? The bombardment of Copenhagen does not warrant the conclusion. Your present vessels of war must either remain under your batteries, or run imminent hazard of destruction. It must, therefore, be impossible now to form a navy. If it ever be done, it must be the work of peace. The jealousy of your enemy will be excited to the highest pitch by your attempting at this time to build a navy. Through this channel he can annoy you more successfully than through any other. He will exert every effort to crush your marine before it acquires strength. In a war of finance, he will obtain advantages in this way that he can get in no other. But, said Mr. R., the resolution in what way we will fight our enemy is taken, and it would be wise to exert the best energies of the State to give effect to that resolution.

The head of the Treasury has informed you, Mr. Chairman, it is necessary to recur to all the taxes in use in the times when there was a naval system and a regularly accumulating debt. His plan of finance is not more than sufficient to meet current demands. The extraordinary purposes must be provided for by loans of an extent equal to the means from which they can be furnished. To add millions to this expenditure for the building of ships of war, which, without supernatural aid, cannot be ready for service at the proper

time, would seem to be a measure too adverse to the public interest to admit of support.

While gentlemen pretend to hold commerce as the younger twin sister of agriculture, and to identify our whole population in one interest, they maintain their argument, as if our citizens on the maritime frontier had interests separate from those in the interior. The chairman of the select committee (Mr. CHEVES) has spoken of the ruin of our seaports as the consequence of not building a navy. If it be true that the agriculturist and merchant have a common and inseparable interest, as gentlemen have assumed, they must share in common prosperity or be involved in common distress. Can it, then, be right in the seaports to claim an exemption from common participation in public calamity? Gentlemen will not say there has appeared any disinclination in the agricultural representation to afford ample and efficient protection to the seaports. They must be defended by land means or be abandoned. To equip a navy, if right in principle, is utterly impossible. The gentleman from South Carolina (Mr. LOWMYER) has supposed two seventy-fours stationed off New York by our enemy, and asks, have we any naval force now that could dislodge them? He apprehended the people of that city would find means to do it, if on applying to the Government for protection, they should not obtain it. From this source he anticipated much evil as derivable. If the gentleman's supposition should be realized, it will not be the people of New York only, but all those connected with her in commercial intercourse that will, in such a case, be put to inconvenience. In the event of war, the harbor of New York may be blocked up by such a force as the Navy which the gentleman is so anxious to equip could not dislodge. Calamities arising out of a state of war must be borne, and if the Government extends the protection within its means to every portion of its citizens, we may surely look for that virtue in every quarter that will submit to ills that are incident to all.

We have become embroiled with Great Britain, said Mr. R., not by our own seeking, nor by any fault of ours. The American people can have no wish for war with any nation. Reduced to the alternatives of resistance or submission, it has become a duty to consider how resistance may be made more effectual. The chairman of the select committee (Mr. CHEVES) has said the British American continental colonies can be but a secondary object in a war with Britain; they will become ours in any event sooner or later. In this opinion, said Mr. R., I do not feel disposed to unite; for if he should be correct in his predictions at last, Britain may through these colonies first inflict deep wounds on this Union. In the gentleman's solicitude for a naval power he seems to forget we have more immediate interests. It is to be devoutly wished the war may be ended before twelve seventy-fours and twenty frigates could be constructed, if the materials were at hand and the keels immediately laid. When Congress shall have determined and made the necessary

arrangements for an attack on the British colonies (an undertaking admitted by all they are competent to) a hope may be indulged that that Government will be awakened to her true interests, and that she will cease to violate our national rights. In the failure, however, of a realization of this hope, it is particularly necessary not to dissipate our ways and means in the early stages of the war on the useless project of a navy.

Gentlemen have considered this subject on its general principles and remote consequences. In this point of view, said Mr. R., it presents a wide field for reflection. The chairman (Mr. CHEVES) has complained he has had to meet this subject encumbered with much error and many prejudices; among which is the idea that a naval system is prejudicial to civil liberty. The opposers of a navy, with an air of no small triumph, are called upon to show how a system of maritime power would endanger the freedom of our country. It has been said, a military chieftain, by an easy transition, may become a civil ruler, and that the commander of an army has often become a despot, while no such event could happen from a naval commander, as such an office gave no power on *terra firma*. If we look a little deeper into the subject, we shall find we have as much to fear, and even more, from a naval than a military power. The latter can only be kept in time of war, and for comparatively but short periods; at a time too, when the public spirit is awakened and ready to oppose encroachment. The chair of rule may possibly be gained by a military chief; but an attempt on the public liberty has a much greater chance to fail. Evils of this sort can only take place on a very rare contingency; but the ruin of the public liberty can hardly fail to be a consequence of the establishment of a naval power. History proves to us that maritime power has always excited national ambition to a spirit of conquest and plunder. A naval power will seek colonies and ports in distant places. The chance, nay, the certainty, of collisions with other nations, is multiplied, and a corruption of morals is produced, that cannot fail to make the first Government on earth a tyranny, by a course of events that the patriot can neither prevent nor divert to other consequences. A short time after Athens had found safety in her wooden walls, one of her statesmen proposed she should burn the fleets of her neighbors, that she might thereby be rendered mistress of Greece. This project the virtue of the people resisted; but that virtue soon gave way in the expedition to the Cyclades, where her navy committed acts of violence that must indelibly fix the stain of the blackest perfidy and cruelty on the Athenian character. What could be a more unprovoked act of aggression than her crusade against Syracuse, a crime that visited her with a declension of power from which she never recovered? For a nation to believe her destinies fixed, is in a great measure to fix them. Nothing, perhaps, contributed more to make Rome the mistress of the world, than the oracles that promised it. Her heroes and statesmen were stimulated thereby to

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fulfil her destiny. The maritime supremacy of Britain is, perhaps, owing as much to the belief that she is the destined Queen of the Waters, as to any other cause. Though such operations be calculated to bring about astonishing effects, how unfortunate is it when a nation's eyes are thus directed to improper attainments—it becomes a source of incalculable evil. Athens and Rome were the victims of such a policy, as Britain is at this time. I fervently hope, said Mr. R., for a better destiny for our beloved country. Rome and Carthage were both great maritime Powers; it was not in Lybia and Italy they begun to contend for superiority, but in Sicily and Iberia. The conflicts thence arising brought terror to the gates of Rome, and laid Carthage in ashes. The abuse of maritime power in both those States changed the free features of their government, and left a dreary despotism in their stead. A naval victory secured to the second Cæsar the rule of the mistress of the world. In later times, we have been told, said Mr. R., the declension of maritime States has been due to other causes than their Naval Establishments. In some instances it may have been so. When the strength and power of a State has arisen entirely from the profits of commerce, when that commerce has taken another course, the transitory splendor it has built up has vanished. Venice was an example of this. The commerce of the East caused her to rise out of the circumscribed and marshy islands at the bottom of the Adriatic, the proud Mistress of the Waves. When the Cape of Good Hope had been doubled by the Portuguese, her commercial advantages failed. She sunk from the conqueror of the Eastern Empire to a mere city of Italy and Portugal; a narrow territory, by the same commerce, assumed the first rank among the nations of the world. A naval power may serve sometimes to extend commerce to wider limits; but it can by no means control it with certainty to channels through which nature, and often the policy of other nations, bid it to flow. What is the state of British commerce at this time? The rupture of the peace of Amiens did not arise from Britain having received injuries from France after the cessation of hostilities. The new war was a commercial one. The British Cabinet saw, in a state of peace, France would not be unmindful of her commercial interests. The intelligence, the enterprise, the population, and the resources of France, all indicated that she would at least divide successfully the profits of commerce with her rival. The naval power of Britain giving her the command of the sea, she could oppose only with effect the growing commerce of her neighbor in a state of war. This step of British policy imposed on the ruler of France the necessity of changing the channels of commerce. In this way he has aimed a blow at the vitals of her strength, which her tremendous naval power neither enables her to avert nor lessen its force. Her marine puts the trident into her hands, but she can no longer shake the earth. Her monopolizing spirit has sealed the continent of Europe against her, and interdicted her commerce with

America. She has reduced the ocean almost to a desert; and she seems hastening to that destiny which has generally attended her predecessors in naval power through her ambition to rule the waves.

Gentlemen propose to protect commerce on this side the Gulf Stream, yet admit if our vessels are despoiled on the Indian Ocean, we must apply retaliation in the West Indies. The Gulf Stream limitation is at once given up; a new expedition to the Cyclades is in that case to take place. Begin your conquests in the West Indies, and you must increase your navy to acquire and defend them. It is at once an admission that naval power must be used more for ambition than the protection of commerce and our territorial waters. But, what is worse, as you acquire colonies and ships you must create armies. The hands of the Executive, restricted and elective as it is, in the United States, became thence armed with a sceptre formidable indeed, and the more so as it acquires this strength without producing the shock to public feeling which the seizure of power by a military leader will always excite. It has been said, (said Mr. R.,) that the existence of Great Britain hung upon her navy in the contest in which she is now engaged. If her fate hangs suspended by her naval power, she owes her peril to that source. Without her maritime strength, would she have aspired to balance the scales of power on the Continent? Would she have become a party to the infamous conspiracy of Pillnitz? Would she have wantonly plotted the dismemberment of France? Would she have broken the peace of Amiens whence her present dangers arise? Certainly not.

On the article of cost, said Mr. R., it is of little importance whether the army or navy of Great Britain is most burdensome on her finances, though it has been dwelt upon with particular emphasis, nor whether an army be more expensive in every case, than a navy. Armies are a necessary consequence of navies. Has not the British army increased with equal pace with her navy?

The humane mind, said Mr. R., cannot contemplate without pain, that from naval power have flown the most copious streams of human misery. The plunder of half the world, with immense advantages in addition, has not sustained the British navy. A debt has been accumulated that almost baffles the power of figures to estimate. But debt, and a prospect of Government insolvency at home, are of much less account than the wrongs this navy has wrought on the society of nations. And yet it is this Government that is held up to Republican America as a model for imitation.

Need I remind you, said Mr. R., of the millions of victims sacrificed to commercial cupidity on the plains of Hindostan, by means of this navy? A population, thrice as great as that of the British Isles, has been exterminated in this devoted region, within comparatively but a few years, by mercantile rapacity. Colonel Dowe informs us, that the wealth of one of the cities of this wretched country had whetted the avarice of Clive and

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his associates, and that an offer was made to the Government to pay the public debt for permission to sack it. It was too gross an act of infamy to assent to, and the adventurers obtained their end by other means. A famine and pestilence was substituted for the bayonet, and the spoils of the devoted city glutted the hands of rapine. In this exploit, a shoe-black divided his £200,000. Need I remind you, said Mr. R., that the population of Africa has been drained, to groan out a wretched existence in the West India colonies, to prop up this naval and commercial Power, or that the remotest corners of every sea have been visited with the scourge of blood and desolation for the same purpose? On general principles, does not past experience afford sufficient warning to these States to avoid those shoals on which so many nations have been wrecked?

Mr. Chairman, under no view which I have been able to take of this subject, considering it either as the furtherance of a system of naval power, to be expanded with the growing strength of the Union to gigantic size, or that it is a proper time for providing a temporary increase of naval force, can I agree, said Mr. R., to the bill on your table.

When Mr. ROBERTS had concluded, the Committee rose, and had leave to sit again.

WEDNESDAY, January 22.

Another member, to wit: WILLIAM M. RICHARDSON, from Massachusetts, appeared, produced his credentials, was qualified, and took his seat.

Mr. MORROW presented a petition of Dennis Clark, of the State of Ohio, praying further time to complete the payment for a tract of land purchased of the United States.—Referred to the Committee on the Public Lands.

NEW JERSEY RESOLUTIONS.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

At the request of the Legislature of New Jersey, I communicate to Congress copies of its resolutions, transmitted by the Governor of that State.

JAMES MADISON.

WASHINGTON, January 22, 1812.

LEGISLATURE OF NEW JERSEY,
House of Assembly, Jun. 13, 1812.

Whereas, in cases of great national concern, involving, in their consequences, the interests, the rights, and the welfare, as well of the future as of the present generation, it cannot fail to be useful and acceptable to those intrusted with the National Government, to be made acquainted with the deliberate opinion of every portion of the Union, the members of the Legislature of New Jersey, at this momentous crisis in our national concerns, think it a duty incumbent on them publicly to express, as well the sense of the Legislature, as the known feelings and sentiments of the citizens of the State they represent.

In contemplating the convulsive struggles that have, within the last twenty years, broken up the Govern-

ments, overturned the ancient landmarks, and carried disorder and distress into almost every quarter of the European world, the citizens of New Jersey have surveyed the destructive progress of this war of ambition on the one side, and of mercantile monopoly on the other, not only as men commiserating the sufferings of others, but with a view to the consequences on the safety and happiness of America. The anxious solicitude manifested by the General Government, to observe an impartial neutrality, in relation to the belligerent nations, has, at all times, met the decided approbation of the Government and citizens of New Jersey.

It was confidently hoped that this line of conduct would have secured to our country the complete observance of the acknowledged laws of civilized nations, or, at least, have protected the persons and property of our citizens from outrageous violence. It was, therefore, not without emotions of astonishment and indignation that they saw the two great belligerent European Powers set at defiance the public law of nations, by commencing a wanton, unprovoked attack upon the property and persons of our citizens on the high seas. This indignation was increased by the insults offered to an enlightened nation in the pretexts assigned as the causes of this violence. The danger and impolicy of waging war against all Europe at once justified the course pursued by the General Government, of remonstrance, negotiation, and commercial restrictions. It has now become a subject of some consolation, that one of the great belligerent nations has receded from her hostility, ceased to violate our neutral rights, made assurance of future amity, and the observance of the laws of nations, and thereby left America a single antagonist to contend with, one against whom she has already measured her strength.

In contemplating the evils inflicted on our country by Great Britain, the Legislature of New Jersey disclaim bringing into calculation the injuries suffered in the Revolutionary war; these having been magnanimously buried in the Treaty of 1783. Nor do they take into account the alleged instigation of the savages to hostilities on our frontier settlements, the facts not being officially ascertained and declared. They leave out also the insult to the American flag, in the attack on the Chesapeake frigate, that having been amicably adjusted. Nor would they, at this time, think proper to complain of the refusal of Great Britain to accede to the desires of the civilized world, of ameliorating the evils of war, by adopting, as a rule, that free ships make free goods. Even if the controversy between the two countries arose solely out of the interruption of our carrying trade, although they consider that trade founded on a perfect, indisputable right, which ought never to be yielded by treaty, yet policy might suggest the propriety of sleeping over the injuries arising from the deprivation of the exercise of this right for a time.

But the two following causes of complaint, on which America and Great Britain are at issue, are of so unquestionable a nature as to leave no doubt or hesitation on the mind: First. The abominable practice of impressing native American seamen while in the pursuit of a lawful commerce, forcing them on board their ships of war, and compelling them, under the lash, to fight against nations with whom we are at peace, and even against their own country.

Second. The depredations committed on the legitimate commerce of America, it being now openly avowed by the British Government that an American

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built ship, owned by the citizens of the United States, navigated by native American seamen, laden with goods the growth and manufacture of the United States, not contraband of war, bound to a belligerent port, which is neither invested nor blockaded, is subject, by the orders of the British Government, to seizure and condemnation, both ship and cargo; the ruin of individuals, and the destruction of commerce, evidence the rigid execution of these orders.

This flagitious conduct of the rulers of Great Britain needs no comment; it is too notorious to be denied, too palpable to be susceptible of explanation, and too atrocious for palliation or excuse. The answers to the reasonable remonstrances of our Government have only added insults to injuries, by assuming positions at variance with reason, justice, and the public laws; in consequence of which further negotiation becomes idle and vain. It only remains for the constituted authorities of the Union to guide the destinies of a numerous, brave, and powerful nation, by marking out its future course; that, in doing this, they may rely with confidence on the support of New Jersey.

Be it resolved, by the Legislative Council and General Assembly of the State of New Jersey, That, at this important crisis in our national concerns, the Government of New Jersey entertain a full and perfect confidence in the wisdom and integrity of the President, the Senate, and House of Representatives of the United States of America, and hereby most solemnly assure the National Government that New Jersey will readily accord in any measures which it may, in its wisdom, think proper to adopt for the redress of national wrongs. That they cordially approve the recommendation of the President of the United States to both Houses of Congress, admonishing them to put the nation in armor. That, in case the Government of the United States shall eventually determine to resist, by force, the lawless aggressions committed by the British nation on the persons and property of our citizens, this Legislature, in behalf of themselves, and the citizens of New Jersey, whose representatives they are, pledge themselves to the nation to render to the General Government all the aid, assistance, and support in their power, and will, with readiness, perform all the duties required of them in the prosecution of a war undertaken for the common defence and general welfare.

Resolved, That His Excellency, the Governor, be requested to transmit a copy of the foregoing to the President of the United States, with a request that he would be pleased to communicate a copy to each branch of the National Legislature.

Resolved, That His Excellency, the Governor, be also requested to transmit a copy to each of our Senators and Representatives in Congress.

NAVAL ESTABLISHMENT.

The House again went into a Committee of the Whole on the bill concerning the Navy. The question on filling up the blank in the section which provides for repairing the vessels on hand, with four hundred and eighty thousand dollars, was carried by a large majority.

The next section provides for the building of — additional frigates.

Mr. CHEVES moved to fill the blank in the bill, designating the number of frigates to be built, with the word *ten*.

Mr. BLACKLEDGE inquired of the chairman of

the Navy Committee, whether there was timber on hand sufficient for building the frigates proposed, besides what had been provided for building seventy-fours; because, if the Government had not seasoned timber on hand sufficient for the purpose, he should vote against building them, as he had no idea of building them out of green timber.

Mr. CHEVES said, in answer to the inquiry of the gentleman from North Carolina, he could only repeat what he had before stated, that the Government is not in possession at present of seasoned timber; and, from the lamentable neglect which had been shown to this establishment, it is not in the power of Government to procure timber of the best kind; but timber can be obtained of a quality superior to any of which the present frigates are built. There are certain large pieces, not to be found among the timber used for the building of merchant vessels, which will be wanting. There is timber sufficient on hand for building four seventy-four gun ships; and sufficient can be procured for the frigates, except the pieces which he had mentioned.

Mr. RHEA being willing that the vessels on hand should be repaired, he had voted for the necessary sum for this purpose; but not being very fond of *water animals* of the size described in the second section of the bill, he moved to strike out that section, and would offer his reasons for doing so.

If the United States were authorized to build these frigates, they could not be done in time for the present emergency. And, if he understood the gentleman from South Carolina rightly, there is no seasoned timber on hand fit for building these frigates; and the United States had suffered sufficiently already by building the former frigates of unseasoned timber. Mr. R. did not wish to see the United States a great naval power, equal to any nation on earth. Indeed, he should be happy to see all the armed ships of the world on fire. They have been uniformly destructive of commerce and human happiness.

Mr. SMILE was in favor of striking out this section of the bill. He ever had been, and he believed ever should be, against this country becoming a naval Power. If we embark in war, we shall have occasion for all the resources we can raise, without expending our money on objects not immediately necessary; besides, the sum now asked for is only an entering wedge. When members wish to carry a favorite measure, they never ask for the whole sum wanted at once, but just as much as they think they can get; and the work being begun, it must hereafter be finished. It is true that our resources are considerable; but the Government cannot draw more from the people than they are willing to pay; and it will be found that the taxes will be sufficiently heavy without this navy.

Mr. CLAY (the Speaker) rose to present his views on the bill before the Committee. He said that as he did not precisely agree in opinion with any gentleman who had spoken, he should take the liberty of detaining the Committee a few mo-

ments while he offered to their attention some observations. He was highly gratified with the temper and ability with which the discussion had been hitherto conducted. It was honorable to the House, and, he trusted, would continue to be manifested on many future occasions.

On this interesting topic a diversity of opinion has existed almost ever since the adoption of the present Government. On the one hand there appeared to him to have been attempts made to precipitate the nation into all the evils of naval extravagance, which had been productive of so much mischief in other countries; and, on the other, strongly feeling this mischief, there has existed an unreasonable prejudice against providing such a competent naval protection for our commercial and maritime rights as is demanded by their importance, and as the increased resources of the country amply justify.

The attention of Congress has been invited to this subject by the President in his Message delivered at the opening of the session. Indeed, had it been wholly neglected by the Chief Magistrate, from the critical situation of the country, and nature of the rights proposed to be vindicated, it must have pressed itself upon our attention. But, said Mr. C., the President, in his Message, observes: "Your attention will, of course, be drawn to such provisions on the subject of our naval force as may be required for the service to which it is best adapted. I submit to Congress the seasonableness also of an authority to augment the stock of such materials as are imperishable in their nature, or may not at once be attainable." The President, by this recommendation, clearly intimates an opinion that the naval force of this country is capable of producing some effect; and the propriety of laying up imperishable materials was no doubt suggested for the purpose of making additions to the navy, as convenience and exigencies might direct.

It appeared to Mr. C. a little extraordinary that so much, as it seemed to him, unreasonable jealousy should exist against the Naval Establishment. If, said he, we look back to the period of the formation of the Constitution, it will be found that no such jealousy was then excited. In placing the physical force of the nation at the disposal of Congress, the Convention manifested much greater apprehension of abuse in the power given to raise armies than in that to provide a navy. In reference to the Navy, Congress is put under no restrictions; but with respect to the Army—that description of force which has been so often employed to subvert the liberties of mankind—they are subjected to limitations, designed to prevent the abuse of this dangerous power. But it was not his intention to detain the Committee by a discussion on the comparative utility and safety of these two kinds of force. He would, however, be indulged in saying, that he thought gentlemen had wholly failed in maintaining the position they had assumed, that the fall of maritime Powers was attributable to their navies. They have told you, indeed, that Carthage, Genoa, Venice, and other nations, had navies, and, notwithstanding,

ing, were finally destroyed. But have they shown, by a train of argument, that their overthrow was, in any degree, ascribable to their maritime greatness? Have they attempted even to show that there exists in the nature of this power a necessary tendency to destroy the nation using it? Assertion is substituted for argument; inferences not authorized by historical facts are arbitrarily drawn; things wholly unconnected with each other are associated together—a very logical mode of reasoning! In the same way he could demonstrate how idle and absurd our attachments are to freedom itself. He might say, for example, that Greece and Rome had forms of free government, and that they no longer exist; and deducing their fall from their devotion to liberty, the conclusion in favor of despotism would very satisfactorily follow! He demanded what there is in the nature and construction of maritime power to excite the fears that have been indulged? Do gentlemen really apprehend that a body of seamen will abandon their proper element, and, placing themselves under an aspiring chief, will erect a throne to his ambition? Will they deign to listen to the voice of history, and learn how chimerical are their apprehensions?

But the source of alarm is in ourselves. Gentlemen fear that if we provide a marine it will produce collisions with foreign nations—plunge us into war, and ultimately overturn the Constitution of the country. Sir, if you wish to avoid foreign collision you had better abandon the ocean; surrender all your commerce; give up all your prosperity. It is the thing protected, not the instrument of protection, that involves you in war. Commerce engenders collision, collision war, and war, the argument supposes, leads to despotism. Would the counsels be deemed wise, of that statesman who should recommend that the nation should be unarmed—that the art of war, the martial spirit, and martial exercises, should be prohibited—and that the great body of the people should be taught that national happiness was to be found in perpetual peace alone? No, sir. And yet every argument in favor of a power of protection on land applies, in some degree, to a power of protection on the sea. Undoubtedly a commerce void of naval protection is more exposed to rapacity than a guarded commerce; and if we wish to invite the continuance of the old, or enactment of new unjust edicts, let us refrain from all exertion upon that element where they operate, and where, in the end, they must be resisted.

For his part, Mr. C. said, he did not allow himself to be alarmed by those apprehensions of maritime power which appeared to agitate other gentlemen. In the nature of our Government he beheld abundant security against abuse. He would be unwilling to tax the land to support the rights of the sea, and was for drawing from the sea itself the resources with which its violated freedom should at all times be vindicated. Whilst this principle is adhered to, there will be no danger of running into the folly and extravagance which so much alarms gentlemen; and whenever it is

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abandoned—whenever Congress shall lay burdensome taxes to augment the Navy beyond what may be authorized by the increased wealth, and demanded by the exigencies of the country, the people will interpose, and, removing their unworthy representatives, apply the appropriate corrective. Mr. C. could not, then, see any just ground of dread in the nature of naval power. It was, on the contrary, free from the evils attendant upon standing armies. And, the genius of our institutions—the great representative principle, in the practical enjoyment of which we are so eminently distinguished—afforded the best guarantee against the ambition and wasteful extravagance of Government.

What maritime strength is it expedient to provide for the United States? In considering this subject, three different degrees of naval power present themselves. In the first place, such a force as would be capable of contending with that which any other nation is able to bring on the ocean—a force that, boldly scouring every sea, would challenge to combat the fleets of other Powers, however great. He admitted it was impossible at this time, perhaps it never would be desirable for this country to establish so extensive a Navy. Indeed, he should consider it as madness in the extreme in this Government to attempt to provide a Navy capable to cope with the fleets of Great Britain, wherever they might be met.

The next species of naval power to which he would advert is that, which, without adventuring into distant seas, and keeping generally in our own harbors, and on our coasts, would be competent to beat off any squadron which might be attempted to be permanently stationed in our waters. His friends from South Carolina (Messrs. CUEVES and LOWNDES) had satisfactorily shown that, to effect this object, a force equivalent only to one-third of that which the maintenance of such squadron must require would be sufficient. That if, for example, England should determine to station permanently upon our coast a squadron of twelve ships-of-the-line, it would require for this service thirty-six ships-of-the-line, one-third in port repairing, one-third on the passage, and one third on the station. But that is a force which it has been shown that even England, with her boasted Navy, could not spare for the American service whilst she is engaged in the present contest. Mr. C. said he was desirous of seeing such a force as he had described, that is, about twelve ships-of-the-line and fifteen or twenty frigates, provided for the United States; but, he admitted that it was unattainable in the present situation of the finances of the country. He contended, however, that it was such as Congress ought to set about providing, and he hoped, in less than ten years, to see it actually established. He was far from surveying the vast maritime power of Great Britain with the desponding eye with which other gentlemen beheld it. He could not allow himself to be discouraged at the prospect even of her thousand ships. This country only required resolution, and a proper exertion of

its immense resources, to command respect, and to vindicate every essential right. When we consider our remoteness from Europe, the expense, difficulty, and perils, to which any squadron would be exposed, stationed off our coasts, he entertained no doubt that the force to which he referred would insure the command of our own seas. Such a force would avail itself of our extensive seaboard and numerous harbors, everywhere affording asylums to which it could retire for safety from a superior fleet, or from which it could issue for the purpose of annoyance. To the opinion of his colleague, (Mr. McKEE,) who appeared to think that it was in vain for us to make any struggle on the ocean, he would oppose the sentiments of his distinguished connexion, the heroic Daviess, who fell in the battle of Tippecanoe.

[Here Mr. C. read certain parts of a work written by Colonel Daviess, in which the author attempts to show that, as the aggressions upon our commerce were not committed by fleets, but by single vessels, they could in the same manner be best retaliated; that a force of about twenty or thirty frigates would be capable of inflicting great injury on English commerce by picking up stragglers, cutting off convoys and seizing upon every moment of supineness; and that such a force, with our seaports and harbors well fortified, and aided by privateers, would be really formidable, and would annoy the British navy and commerce, as the French army was assailed in Egypt, the Persian army in Scythia, and the Roman army in Parthia.]

The third description of force worthy of consideration is, that which would be able to prevent any single vessel, of whatever metal, from endangering our whole coasting trade, blocking up our harbors, or laying under contribution our cities; a force competent to punish the insolence of the commander of any single ship, and to preserve in our own jurisdiction the inviolability of our peace and our laws. A force of this kind is entirely within the compass of our means at this time. Is there a reflecting man in the nation who would not charge Congress with a culpable neglect of its duty, if, for the want of such a force, a single ship were to bombard one of our cities? Would not every honorable member of this Committee inflict on himself the bitterest reproaches, if, by failing to make an inconsiderable addition to our little gallant Navy, a single British vessel should place New York under contribution? Yes, sir, when the city is in flames, its wretched inhabitants begin to repent of their neglect in not providing engines and water buckets. If, said Mr. C., we are not able to meet the wolves of the forest, shall we put up with the barking of every petty fice that trips across our way? Because we cannot guard against every possible danger, shall we provide against none? He hoped not. He had hardly expected that the instructing but humiliating lesson was so soon to be forgotten which was taught us in the murder of Pierce; the attack on the Chesapeake; and the insult offered in the harbor of Charleston, which the brave

old fellow that commanded the fort in vain endeavored to chastise.

It was a rule with Mr. C., when acting either in a public or private character, to attempt nothing more than what there existed a prospect of accomplishing. He was, therefore, not in favor of entering into any mad projects on this subject; but for deliberately and resolutely pursuing what he believed to be within the power of Government. Gentlemen refer to the period of 1798, and we are reminded of the principles maintained by the opposition at that time. He had no doubt of the correctness of that opposition. The naval schemes of that day were premature, not warranted by the resources of the country, and were contemplated for an unnecessary war into which the nation was about to be plunged. He always admired and approved the zeal and ability with which that opposition was conducted by the distinguished gentleman now at the head of the Treasury. But the state of things is totally altered. What was folly in 1798 may be wisdom now. At that time, we had a revenue only of about six millions. Our revenue now, upon a supposition that commerce is restored, is about sixteen millions. The population of the country, too, is greatly increased—nearly doubled—and the wealth of the nation is, perhaps, tripled. While our ability to construct a navy is thus enhanced, the necessity for maritime protection is proportionately augmented. Independent of the extension of our commerce, since the year 1798, we have had an addition of more than five hundred miles to our coast, from the bay of Perdido to the mouth of the Sabine—a weak and defenceless accession, requiring, more than any other part of our maritime frontier, the protecting arm of Government.

The groundless imputation, that those who were friendly to a navy were espousing a principle inimical to freedom, should not terrify him. He was not ashamed when in such company as the illustrious author of the "Notes on Virginia," whose opinions on the subject of a navy, contained in that work, contributed to the formation of his own. But the principle of a navy, Mr. C. contended, was no longer open to controversy. It was decided when Mr. Jefferson came into power. With all the prejudices against a navy, which are alleged by some to have been then brought into the Administration—with many honest prejudices, he admitted—the rash attempt was not made to destroy the establishment. It was reduced only to what was supposed to be within the financial capacity of the country. If, ten years ago, when all those prejudices were to be combated, even in time of peace, it was deemed proper by the then Administration to retain in service ten frigates, he put it to the candor of gentlemen to say, if now, when we are on the eve of a war, and taking into view the actual growth of the country, and the acquisition of our coast on the Gulf of Mexico, we ought not to add to the Establishment?

Mr. C. said, he had hitherto alluded more particularly to the exposed situation of certain parts

of the Atlantic frontier. While he felt the deepest solicitude for the safety of New York, and other cities on the coast, he would be pardoned by the Committee for referring to the interests of that section of the Union from which he came. If, said he, there be a point more than any other in the United States demanding the aid of naval protection, that point is the mouth of the Mississippi. What is the population of the Western country, dependent upon this single outlet for its surplus productions? Kentucky, according to the last enumeration, has 406,511; Tennessee, 261,727; and Ohio, 230,760. And, when the population of the western parts of Virginia and Pennsylvania, and the territories which are drained by the Mississippi or its waters, is added, it will form an aggregate equal to about one-fifth of the whole population of the United States, resting all their commercial hopes upon this solitary vent! The bulky articles, of which their surplus productions consist, can be transported no other way. They will not bear the expense of a carriage up the Ohio and Tennessee, and across the mountains, and the circuitous voyage of the Lakes is out of the question. While most other States have the option of numerous outlets, so that if one be closed resort can be had to others, this vast population has no alternative. Close the mouth of the Mississippi and their export trade is annihilated. He called the attention of his Western friends, especially his worthy Kentucky friends (from whom he felt himself with regret constrained to differ on this occasion) to the state of the public feeling in that quarter, while the navigation of the Mississippi was withheld by Spain; and to the still more recent period when the right of depot was violated. The whole country was in commotion; and, at the nod of Government, would have fallen on Baton Rouge and New Orleans, and punished the treachery of a perfidious Government. Abandon all idea of protecting, by maritime force, the mouth of the Mississippi, and we shall have the recurrence of many similar scenes. We shall hold the inestimable right of the navigation of that river by the most precarious tenure. The whole commerce of the Mississippi—a commerce that is destined to be the richest that was ever borne by a single stream—is placed at the mercy of a single ship lying off the Balize!

Again: The convulsions of the new world, still more, perhaps, than those of Europe, challenge our attention. Whether the ancient dynasty of Spain is still to be upheld or subverted, it is extremely uncertain, if the bonds connecting the parent country with her colonies are not forever broken. What is to become of Cuba? Will it assert independence, or remain the province of some European Power? In either case the whole trade of the Western country, which must pass almost within gun-shot of the Moro Castle, is exposed to danger. It was not, however, of Cuba he was afraid. He wished her independent. But, suppose England gets possession of that valuable island? With Cuba on the south and Halifax on the north—and the consequent means of favoring or annoying the commerce of particular sec-

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tions of the country, he asked if the most sanguine among us would not tremble for the integrity of the Union? If, along with Cuba, Great Britain should acquire East Florida, she will have the absolute command of the Gulf of Mexico. Can gentlemen, particularly gentlemen from the Western country, contemplate such possible, nay, probable events, without desiring to see, at least the commencement of such a naval establishment as would effectually protect the Mississippi? He entreated them to turn their attention to the defenceless situation of the Orleans Territory, and to the nature of its population. It is known that, while under the Spanish Government, they experienced the benefit of naval security. Satisfy them that, under the Government of the United States, they will enjoy less protection, and you disclose the most fatal secret.

The General Government receives annually for the public lands about \$600,000. One of the sources whence the Western people raise this sum, is the exportation of the surplus productions of that country. Shut up the Mississippi and this source is, in a great measure, dried up. But, suppose this Government to look upon the occlusion of the Mississippi, without making an effort on that element, where alone it could be made successfully, to remove the blockading force, and, at the same time, to be vigorously pressing payment for the public lands; he shuddered at the consequences. Deep-rooted as he knew the affections of the Western people to be to the Union, (and he would not admit their patriotism to be surpassed by any other quarter of the country,) if such a state of things were to last any considerable time, he should seriously apprehend a withdrawal of their confidence. Nor, sir could we derive any apology for the failure to afford them protection from the want of the material for naval architecture. On the contrary, all the articles entering into the construction of a navy—iron, hemp, timber, pitch, abound in the greatest quantities on the waters of the Mississippi. Kentucky alone, he had no doubt, raised hemp enough the last year for the whole consumption of the United States.

If, as he conceived, gentlemen had been unsuccessful in showing that the downfall of maritime nations was ascribable to their navies, they had been more fortunate in showing, by the instances to which they had referred, that, without a marine, no foreign commerce could exist to any extent. It is the appropriate, the natural (if the term be allowable) protection of foreign commerce. The shepherd and his faithful dog are not more necessary to guard the flocks that browse and gambol on the neighboring mountain. He considered the prosperity of foreign commerce indissolubly allied to marine power. Neglect to provide the one, and you must abandon the other. Suppose the expected war with England is commenced, you enter and subjugate Canada, and she still refuses to do you justice, what other possible mode will remain to operate on the enemy but upon that element where you can then alone come in contact with him? And if you do

not prepare to protect there your own commerce and to assail his, will he not sweep from the ocean every vessel bearing your flag, and destroy even the coasting trade? But, from the arguments of gentlemen, it would seem to be questioned if foreign commerce is worth the kind of protection insisted upon. What is this foreign commerce that has suddenly become so inconsiderable? It has, with very trifling aid from other sources, defrayed the expenses of Government ever since the adoption of the present Constitution—maintained an expensive and successful war with the Indians—a war with the Barbary Powers—a quasi war with France—sustained the charges of suppressing two insurrections, and extinguished upward of forty-six millions of the public debt! In revenue it has, since the year 1789, yielded one hundred and ninety-one millions of dollars. During the first four years after the commencement of the present Government, the revenue averaged only about two millions annually—during a subsequent period of four years it rose to an average of fifteen millions annually, or became equivalent to a capital of two hundred and fifty millions of dollars, at an interest of six per cent. per annum. And, if our commerce is re-established, it will, in the course of time, net a sum for which we are scarcely furnished with figures in arithmetic.—Taking the average of the last nine years (comprehending, of course, the season of the embargo) our exports averaged upward of thirty-seven millions of dollars, which is equivalent to a capital of upward of six hundred millions of dollars at six per cent. interest, all of which must be lost in a destruction of foreign commerce. In the abandonment of that commerce is also involved the sacrifice of our brave tars, who have engaged in the pursuit, from which they derive subsistence, under confidence that the Government will afford them that just protection which is due to all. They will be driven into foreign employment, for it is in vain to expect that they will renounce the habits of their life.

The spirit of commercial enterprise so strongly depicted by the gentleman from New York, (Mr. MITCHELL,) is diffused throughout the country. It is a passion as unconquerable as any with which nature has endowed us. You may attempt to regulate—you cannot destroy it. It exhibits itself as well on the waters of the Western country, as on the waters and shores of the Atlantic. Mr. C. had heard of a vessel built at Pittsburg, having crossed the Atlantic, and entered a European port (he believed that of Leghorn.) The master of the vessel laid his papers before the proper custom-house, which, of course, stated the place of her departure. The officer boldly denied the existence of any such American port as Pittsburg, and threatened a seizure of the vessel, as being furnished with forged papers. The affrighted master procured a map of the United States, and, pointing out the Gulf of Mexico, took the officer to the mouth of the Mississippi—traced the course of the Mississippi, more than a thousand miles, to the mouth of the Ohio; and, conducting him still a thousand miles higher, to the junction of the

Alleghany and Monongahela—there, he exclaimed, stands Pittsburg, the port from which I sailed! The custom-house officer, prior to the production of this evidence, would as soon have believed that the vessel had performed a voyage from the moon.

In delivering the sentiments he had expressed, Mr. C. considered himself as conforming to a sacred Constitutional duty. When the power to provide a navy was confided to Congress, it must have been the intention of the Convention to submit only to the discretion of that body the period when that power should be exercised. That period had, in his opinion, arrived, at least for making a respectable beginning. And, while he discharged what he conceived to be his duty, he derived great pleasure from the reflection that he was supporting a measure calculated to impart additional strength to our happy Union. Diversified as are the interests of its various parts, how admirably do they blend together and harmonize! We have only to make a proper use of the bounties spread before us, to render us prosperous and powerful. Such a navy, as he had contended for, will form a new bond of connexion between the States, concentrating their hopes, their interests, and their affections.

He concluded by inquiring of the chairman of the Naval Committee, if there were seasoned timber on hand, to enable him to judge whether it was best now to vote for immediately building some additional frigates, or to provide the requisite materials?

Mr. CHEVES could only repeat the information which he had already given to the Committee, that suitable timber could be obtained for these frigates, though it be not on hand, except some of the large pieces required. And, as to the expense of these vessels, it is estimated at one million three hundred thousand dollars.

The subject had been so ably argued by his friends, that he would not intrude longer on the Committee than to notice one circumstance. Gentlemen have been alarmed by a project from the Secretary of the Treasury, proposing ways and means for the present crisis. But if gentlemen be satisfied, as he trusted they were, that a moderate increase of our Navy Establishment is expedient, this letter of the Secretary ought to have no effect upon them; for, while Congress can raise a land force of 85,000 men, they can surely afford to appropriate the comparatively small sum asked for on account of the Navy. But, gentlemen say this is the way schemes are fixed upon the nation, by making one appropriation that another may follow. No deception, said Mr. C., had been used in this business. The case had been fairly stated, and the question is put. Will you cut off the right arm of your nation, by putting down the Navy? If gentlemen please, they can do it; but he wished it might not be done on account of the Secretary of the Treasury's letter. The nation is, doubtless, equal to the crisis; and it is to be hoped members will not shrink from a performance of their duty.

Mr. SMILE observed, that the gentleman from

South Carolina had acknowledged that the sum now asked toward building this navy was only intended as the beginning of the business, that more would be called for hereafter. He knew very well this was the intended course. It was a little extraordinary, said Mr. S., to find gentlemen from Kentucky, patronizing this navy scheme, while the large shipping and commercial State of Pennsylvania does not want this alleged protection of commerce but really the machine of power.

Mr. MITCHELL made some additional observations, chiefly on the great resources of this country for ship-building, which he exhibited in the most comprehensive way, showing that every material used about a ship could be obtained within ourselves in the greatest abundance.

Mr. BOYD had heard a great deal said in favor of going into the establishment of this navy; he wished to offer a few remarks against this project. He had heard theory on theory, and calculation on calculation; but, nothing that he had heard convinced him of the policy of building a navy larger than we have, especially at the present time; he knew, indeed, that we could never build a navy to cope with Great Britain.

Instead of hearing so much said about throwing money away upon a navy, he should like to hear something about the encouragement and protection of our infant manufactories, which he thought of greater importance to the country than building ships; for, if they are properly encouraged, they will make everything we want, and by drawing over emigrants from other countries, and thus increasing our population, they will consume a great part of our surplus produce, so that foreign trade would be less an object. Too little attention, he thought, was paid to this subject. This would be a peaceful course; manufactures might be carried to any extent, without running the risk of war; not so with foreign commerce, the more it is extended, the more difficulties the country is involved in. He was in favor of the peaceful course, and consequently against a large permanent naval establishment.

Mr. RHEA said, before the question was taken, he would add a few other remarks. He had always been in favor of protecting commerce; but he could not consent to protect it in the manner now proposed. We have, said he, voted millions for the fortifications on our seacoast, and for building gunboats for the protection of our coasts and ports and harbors. But gentlemen now say, these are not sufficient, give us a fleet—not to meet our enemy at sea, nor to protect our commerce in our waters, but to protect our coasts and harbors, he supposed, to be alongside our fortifications.

He was surprised to hear a gentleman from Kentucky (the Speaker) express a desire for ships of war to protect the interests of the Western country. He knew of no use they would be of there, except they meant to use them against the Indians.

And, as to New Orleans, it is defended so well by nature, that no foreign Power can annoy it.

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The upper country will always maintain it. Besides, if any foreign nation were to attempt to take it, they would repent of it, for the country would prove a grave to them. We have, unfortunately, had cause to repent of having kept a body of troops there. The mortality among them was distressing to humanity. As to the people of Cuba, he did not believe they had any more intention to injure us, than we them. He saw no necessity, therefore, for vessels of war to guard against danger from that quarter. If we could trade with each other, it would be very well.

We are told, said he, that we have no force to resist a seventy-four gunship. And would the frigates proposed to be built be able to do it? Certainly not. If we wish to make a great effort, let us make an appropriation for three or four large ships, equal to any in the British service, so as to be able to match them; but, at present, he was not for voting any money for this purpose.

Gentlemen tell us, said Mr. R., because our revenue is drawn from commerce, a navy ought to be built to protect commerce. It is true that the revenue is collected from commerce; but who pays the tax? The people, to be sure. If we could get a revenue that was not paid by the people at large, but by the merchants alone, then there would be some ground for calling upon the people to assist in protecting their commerce. But as long as the people are to pay the taxes, it matters not much from what sources they are drawn.

Mr. BLACKLEDGE said: I had no intention of taking up the time of the Committee a single moment with any remarks of mine upon the subject under consideration when I entered the House this morning. It has already been discussed with an ability which does honor to the gentlemen who have spoken on both sides, and my mind was made up to vote in favor of every section of the bill except the one now under consideration. My objection to this section does not arise from an aversion to increasing our Naval Establishment, but from a conviction, arising from all the views I have been able to take of the subject, that our resources can be applied to increase it in a much better way. Where, sir, is the timber of which it is contemplated to build these ten frigates? The report which accompanied the bill does not inform us, and the very able chairman of the committee who made the report has this day told us, (what from the silence of the report on this subject I had before inferred,) that we have not the timber for them on hand, but that from sources deemed worthy of credit he has understood that timber for ten frigates is procurable sufficiently seasoned, and of quality that will answer very well, except some of the largest pieces necessary for constructing such ships.—

What is the name or description of these larger pieces of timber the worthy chairman has not informed us, but from the little knowledge I have of ship-building cannot be much at a loss in determining that they must be the sterns, sternposts, keels, keelsons, and beams. These it seems we neither have on hand, nor can procure from private ship-yards; of course we shall either not be

able to build these frigates in several years, or we must build of materials not well seasoned, and which must insure their speedy decay. What should we think of a man who, in erecting an expensive and elegant house, should employ green sills, sleepers, and corner posts, but be very particular in selecting timber of the first quality for all the rest of the building? Sir, he would find to his cost, as we in keeping up our old frigates have found to ours, that the expense of repairs would be so enormous as to create doubts whether it would not be better to build a new house than attempt to repair the old hulk. Then admitting the information given us by the chairman has been derived from sources worthy of credit, I certainly would not agree to vote in favor of this section and saddle upon the nation a parcel of ships patched up of seasoned and unseasoned timber. But is it not extremely probable that this information has been derived from interested sources; that is, from persons who, having ship-timber on hand, are likely, under the present aspect of affairs, to find it more their interest to sell the timber to the public than employ it in building vessels for their own use? From the very nature of it, I cannot but believe this to be the case; for, as the Government had not the timber of their own, of whom would they have inquired to know whether they could be supplied with the timber of suitable quality? Certainly of the large ship-builders, who, from the considerations I have just mentioned, would no doubt be induced to wish to make a sale of their timber, rather than build it into vessels for their own account. We are informed by the report which accompanies the bill that it will cost about one million seven hundred thousand dollars to build and completely fit ten frigates averaging thirty-eight guns; but of this sum we are told it is only proposed to appropriate one million of dollars at this time, and that it will be time enough at the end of some future session to appropriate the other seven hundred thousand dollars. From the same report we learn that the whole cost of a seventy-four gunship will be about three hundred and thirty-three thousand dollars, and that we have the timber and cannon on hand for four at least.

The whole cost of four seventy fours then, according to the report, would be one million three hundred and thirty-two thousand (1,332,000) dollars, but deducting the cost of the timber and cannon already on hand, which cannot be less than one hundred and thirty-two thousand dollars, it appears that we can by an appropriation of one million two hundred thousand dollars be furnished with four ships of seventy-four guns in course of the present year; or, if it should not be wished to finish them, but only to advance towards completing them in the proportion which is contemplated for the frigates, it will then require but about seven hundred and eighty-three thousand five hundred dollars for the four seventy-fours in the course of the present year; in fact it would not require so large a sum, as we have the timber already by us. Besides, when built, ad-

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mitting the frigates to average but thirty-six guns, it appears from the Secretary's report they will cost us annually to keep the ten in service one million twenty thousand dollars, when four seventy-fours would cost but eight hundred and forty-seven thousand one hundred and sixteen dollars, making a difference of near two hundred thousand dollars a year in our expenses. Let us build which we may, our object is to employ them against an enemy vastly our superior upon the ocean, and who will no doubt do his utmost to keep them blockaded in our ports, or capture them if they get to sea. We ought then, I think, unquestionably to vest our resources in that species of force most likely to enable us to take advantage of the disasters which must frequently befall any blockading squadron upon our coast. Add four seventy-fours at once to the ten frigates we already have, and independent of the appal it will produce upon our enemy, evincing a determination to meet him as early as possible upon his own element, we shall put him to double the expense in his blockading squadrons which he would feel any necessity to be at in keeping twenty frigates shut up in our ports.

The objects of our preparations for war by land are to garrison our forts, and wrest from the enemy his Canadian possessions, and it is believed by all that they are commensurate to the end, and that in the course of the first year we shall at least be able to get possession of Upper Canada, and all that part of the country furnishing either timber or provisions for exportation. To this purpose I agree that it is proper to direct the energies of the nation at the outset. But these provinces, except for the purpose of some supplies for her West India Islands and her fleets in our seas, it is known are not of much importance to her. Admit, then, that we have taken them, all we have gained worth speaking of is in the additional expense and trouble we shall have thrown upon our enemy in supplying her blockading squadrons. This is surely an important point, but by no means sufficiently so, I fear, to bring her to a sense of justice towards us if we there stop. An increase of our Naval Establishment is also another essential link in our chain of preparations. That increase should be made in the way most likely to endanger the enemy's commerce and squadrons in our seas. These squadrons we know will consist not of frigates alone, but of ships-of-the-line to come in aid of their frigates in the case of need. They know the gallant commanders of our frigates will never surrender them to ships of equal force, and, therefore, as in the case of the dastardly attack of the *Leopard* upon the *Chesapeake*, they will take care to have ships-of-the-line to aid their quick sailing frigates. We must do the same, or our frigates when built will be of but little use, for though I do not believe that either a *Decatur* or a *Rodgers* would surrender their frigates to any seventy-four in the British navy, as long as they could be kept afloat, yet no man acquainted with the relative force of the two ships can hesitate in declaring that the frigates must ultimately go to the bot-

tom or be captured. Of the bravery, skill, and enterprise of our seamen, no man can doubt. Give them ships any way equal to their enemy, and my life upon it we never lose one but at a cost to the enemy which shall make him repent the contest. For the seventy-fours we have the timber ready, of the finest quality, and in the best possible state of preparation; it will cost less to build them and less to keep them in service, and when built, I have no hesitation in declaring it as my firm belief, that they will produce a much more powerful effect upon the enemy than the frigates. I shall therefore vote against this section, but shall do it under a hope of having a section substituted, authorizing the building four seventy-fours.

Our experience for years past proves that we have nothing to hope for from negotiation. It proves more, for it shows that a failure to resent by war one invasion of our rights has led to another; that a failure to resent by war an invasion of our rights by one of the belligerents has served as a pretext for a similar or a more flagrant violation by the other. Our love of peace then must either give way to necessity, or chain us in submission at the feet of our insolent oppressors. Great Britain, by her Orders in Council, forbids our carrying the produce of our soil to any market from whence her products are excluded—thus, in fact, assuming and exercising the right to regulate our commerce as before our Revolution. By her practice of impressment, she has already forced into service thousands of our citizens, and compelled them to fight her battles. What have we gained, or what has she lost by the blood and treasure expended by our ancestors in the glorious struggle which achieved our independence, if we submit to the pretensions now set up by the very nation from whom they obtained it? Will it be any consolation to our seafaring brethren to tell them that they enjoy the glorious privilege of electing men to represent them and guard their interests in the great councils of the nation, when they see that their Representatives suffer them to be enslaved by any foreign Power, and their families thrown into distress and upon the bounty of their friends or the parish? Will it be any consolation to the agriculturist or merchant to know that he also enjoys the privilege of sending men to represent him here, when they see that these Representatives have surrendered to any nation whatever the right of directing to what ports or places, and under what conditions, the products of our soil shall be carried for a market? It certainly cannot. They will see at once that they had better rid themselves of the expense of their own Government, and rely entirely upon some Government for a protection of their rights. Rather than submit to pretensions so degrading to our national honor, and which, if submitted to, must lead to consequences so destructive both to the agricultural and commercial interests of the nation, I do not hesitate to prefer war; and am happy to find from the vast majority in favor of the measures heretofore under discussion pre-

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paratory for the contest, that so large a portion of this House are of the same opinion. The only, or, at least, by far the greatest, cause of regret with me is, that there should be one among us opposed to the measure. To those who are opposed to every preparation for war from a belief that in a victory over Great Britain they see our own downfall through the augmented power of her enemy, the Emperor of France, I have nothing to say further, than that if I agreed with them in opinion, I would at once submit a proposition to join Great Britain in the struggle. I should do this as a more honorable course than that of suffering her to force our men and our money into her service in the way she is now doing through her Orders in Council and practice of impressment. To those who are opposed to war because we have not already a navy "large enough to enable us to hold the balance between the two great contending Powers of Europe," and who assert, as an honorable gentleman from Connecticut (Mr. Law) did yesterday, (who I am sorry to see is not now in his place,) "that by neglecting our navy we had left ourselves in a situation not to be able to enforce our rights," I will only reply by reminding them that our ancestors with little more than one-third of our population, and not the twentieth part of our advantages and resources, compelled the same nation to do us justice, and acknowledge our independence, thirty years ago. Why, then, should we now despond? I really can see no good cause for despondence, but from dissensions among ourselves. United, we are capable of resisting and of enforcing our rights against the combined Powers of the earth. Divided, we may fall an easy prey to any petty Power disposed to join one party in its attempts to overcome the other. And I cannot but believe that it is to the unhappy party spirit at present, and for years past, prevailing among us, that we owe the attempt of Great Britain again to place us in the most abject state of colonization. Surely, sir, when the gentleman from Connecticut hazarded the opinion, that "if our Naval Establishment had been fostered from its foundation twelve or fifteen years ago we should now have had a navy sufficiently formidable to have held the balance between France and England," he had forgotten the recent fate of Copenhagen; he could not have recollected the character of the English nation, as evinced in her history for at least a century past. She believes that not only the safety of her colonies abroad, but that her very existence as an independent nation depends upon her naval superiority. The very instant she has discovered any of her neighbors likely to rival her in this point, she has made war upon them. Upon what good ground then does the gentleman found his opinion that we should have been suffered to raise a naval force sufficiently formidable to have held the balance between these two great rival Powers? A naval force sufficiently large to have answered this purpose, must have been at least equal to that of the Danes at the time they were Copenhagened; which, as well

as I recollect, consisted of forty-five or forty-six sail in the whole, of which ten to fifteen were ships-of-the-line, about as many frigates, and the balance smaller vessels of various descriptions. What reason can we have to suppose that with such a navy as this, in the neighborhood of her valuable West India colonies, we should not have shared the same fate? The Danes had committed no offence. A solemn Treaty of Amity, Commerce, and Navigation, existed between them and the English. But it was suspected that they were under French influence, and that their navy was about to be thrown into the scale against them. And pray have not half our public papers been charging our Administration for years with being under French influence; nay, have not even members of this House, as well as of the other branch of the Legislature, publicly made the same charge? As like causes produce like effects, I can see no good reason for believing we should not have shared the same fate with the Danes. It is certainly true, that since Mr. Jefferson came into power, nothing has been done to increase the naval strength of the nation further than to build a number of gunboats for the defence and protection of our ports and harbors; but it is equally true that neither he nor his successor have ever either recommended or signed an act for the reduction of the Navy. The act authorizing the sale of all the ships of war which we had in 1798 and 1799, except twelve or thirteen of the frigates, was signed by Mr. Adams before he went out of office; and there can be no doubt he acted wisely in so doing; he knew best the materials of which they had been built, and was of course the best judge of the propriety of selling or retaining them.

From the commencement of Mr. Jefferson's Administration, the navy has been kept at about the rate it stood at when he came into office. The danger to be apprehended from the piratical States of Barbary, I have always believed, rendered it necessary to keep one of about this size. Experience in the war with Tripoli has shown that for these purposes it was not only necessary but large enough. To be able to judge whether the Republican Administrations have acted wisely in not enlarging our Naval Establishment to such a size as would, in the language of the gentleman from Connecticut, have enabled us to hold the balance between the two great contending Powers of Europe, we should not forget that the best interests of our country required that its rulers should so shape their measures as, if possible, to keep us at peace with all the world, particularly with these great and powerful nations. All experience proves that this was not to be effected with Great Britain by making additions to our Naval Establishment, calculated to excite her jealousy. This, therefore, has been avoided; and a strict and impartial neutrality observed towards both the belligerents. The rapidity with which the nation advanced to wealth, under such a course of measures, and the length of time we were permitted to reap the rich harvest of our neutrality without molestation, furnish the fullest evidence

of their wisdom. Unfortunately for us, however, our national and commercial prosperity have at length excited that jealousy, which an attempt to create a formidable navy would long since have done, and our wretched divisions among ourselves have emboldened Great Britain to attempt to check them, by a course of oppression and vexatious restrictions, which not even one of her colonies would submit to if they had it in their power to resist, and which if we submit to reduce us once more to the degraded state of her colonies. Having exhausted the patience of all parties in fruitless attempts to bring her to a sense of justice by remonstrance, we seen at length determined to assert our rights by war. The troops necessary to carry on that war with vigor have been authorized to be raised by a vast majority of this House. The question, when that measure was under consideration, was not whether large standing armies ought to be raised and kept up, but whether the war into which we are about to enter could be carried on prosperously without such an army. The bill now under consideration proposes an increase of our Naval Establishment, and the question ought not to be decided by theoretic principles of the policy or impolicy of large naval establishments. The true question, according to my apprehension, is, will not an increase of our Naval Establishment become necessary in the course of the war? For one, I am fully persuaded, that an increase will be found to be absolutely necessary, and therefore, though opposed to this section, shall use my best exertions to increase it in a way which I deem more advantageous.

We never shall be permitted by Britain to raise a formidable navy, but in a time of war. Of our ability to do it even during war, no one acquainted with the resources of the country, with the number and character of our seamen, can for a moment doubt. By evincing a determined resolution to bring these resources into action, at a time when almost every other Power of the world is making similar exertions, we shall do more towards bringing her Government to a sense of justice towards us, and rendering an actual declaration of war unnecessary, than we should do by raising, arming and equipping half a million of men to march against her neighboring continental colonies. We ask for nothing but sheer justice; we have never furnished any evidence of a disposition to rival her power on the ocean. Will she then run the risk of adding one hundred and twenty thousand hardy enterprising seamen to the list of her enemies, these too in the neighborhood of her richest colonies, and in view of her most valuable commerce, rather than do us justice, and permit us to go in our own pursuits of peaceful industry? Unquestionably she will not, unless she hopes to be able by her blockading squadrons to keep them penned in our ports, as she has done those of her European enemies, till from the want of employment they shall lose their skill and enterprise. If this be her object, and I verily believe it is, I for one am resolved to defeat her intentions.

My reasons for being opposed to this section and for preferring four seventy-fours, to the ten frigates which it proposes to build, I have already assigned, and will not weary the patience of the Committee with repeating. But I hope they will pardon me for not taking my seat till I have expressed the gratification I feel at discovering, that, by a section of this bill, our gunboats are proposed to be attached to our land fortifications. As a part of our naval force, I have never considered them worth retaining, but as an engine for the protection of our ports and harbors, sounds and bays, for wielding against the predatory foe along our coasts the heaviest species of artillery, I have believed them to be invaluable. And much as the Administration has been abused for building so many of them, by those who always remember to forget that they were ordered to be built at the moment we were believed to be on the very eve of war, in consequence of the attack upon the Chesapeake; I will venture to pronounce that, go to war when we may with Britain, it will be found that we have not near as many as we shall need. Our whole coast, sounds, bays, and rivers, abound with men who know better how to manage such vessels than the best man-of-war's man. Attached to our fortifications, to our ports and harbors, I have strong hopes that ways will be devised to man and fight them, or a great part of them, with equal effect and on terms more economical than has been possible while manning them with seamen equally suitable for our frigates as for gunboats.

THURSDAY, January 23.

A message from the Senate informed the House that the Senate have passed the bill "to empower the Secretary of the Treasury to decide on the case of the ship *Eliza Ann*, belonging to Ezekiel Hubbell," with amendments, in which they desire the concurrence of this House.

On motion of Mr. QUINCY, the bill and amendments were committed to the Committee of Commerce and Manufactures.

Mr. MACON laid before the House an act of the Legislature of the State of North Carolina, ratifying and confirming an amendment proposed by Congress to the Constitution of the United States relative to titles of nobility or honor, presents, pensions, offices, or emoluments, from any foreign Power.

On motion of Mr. POINDEXTER, the Committee of Commerce and Manufactures were discharged from the several petitions referred to them at the present session, concerning the Natchez hospital; and they were referred to a select committee.

Messrs. POINDEXTER, MITCHELL, SEYBERT, ORMSBY, and GRUNDY, were appointed the committee.

Mr. D. R. WILLIAMS had understood that it was contemplated, in case the whole of the present Navy shall be ordered to be equipped and commissioned, to be necessary to appoint additional officers. In order, if such a proposition shall be made, to be able to meet it, he wished to

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know what is the number at present employed. For this purpose he proposed the following resolution, which was agreed to:

Resolved, That the Secretary of the Navy be directed to lay before this House a statement of the names, rank, pay, and rations, of the commissioned officers and midshipmen belonging to the Navy of the United States.

STATEMENT OF EXPORTS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a statement of goods, wares, and merchandise, exported from the United States during one year prior to the first day of October, 1811.

The letter is as follows:

TREASURY DEPARTMENT, *January 21, 1812.*

SIR: I have the honor to transmit herewith a statement of goods, wares, and merchandise, exported from the United States, during one year, prior to the first day of October, 1811, and amounting to \$61,316,833. The goods, wares, and merchandise of domestic growth or manufacture, included in this statement, are estimated at - - - - - \$45,294,043 And those of foreign growth or manufacture, at - - - - - 16,022,790

61,316,833

The articles of domestic growth or manufacture may be arranged under the following heads, viz:

Produce of the sea - - - - -	\$1,413,000
Produce of the forest - - - - -	5,286,000
Produce of agriculture - - - - -	35,556,000
Manufactures - - - - -	2,376,000
Uncertain - - - - -	663,000
	<u>45,294,000</u>

And they were exported to the following countries, viz:

To the dominions of Russia, Prussia, Sweden, and Denmark - - - - -	\$2,055,833
To the dominions of Great Britain - - - - -	20,308,211
To the dominions of Spain and Portugal - - - - -	18,266,466
To the dominions of France and Italy - - - - -	1,194,275
To all other countries, or not distinguished - - - - -	2,469,258
	<u>45,294,043</u>

The goods, wares, and merchandise of foreign growth or manufacture, were exported to the following countries, viz:

To the dominions of Russia, Prussia, Sweden, and Denmark - - - - -	5,340,117
To the dominions of Great Britain - - - - -	1,573,344
To the dominions of Spain and Portugal - - - - -	5,772,572
To the dominions of France and Italy - - - - -	1,712,537
To all other countries, or not distinguished - - - - -	1,624,220
	<u>16,022,790</u>

I have the honor to be, &c.

ALBERT GALLATIN.

The Hon. SPEAKER of the House of Reps.

12th CON. 1st SESS.—30

NAVAL ESTABLISHMENT.

The House again resolved into a Committee of the Whole, on the bill concerning the Navy; when, after some debate, the question was taken on filling the blank for the number of additional frigates proposed to be built, with the number "ten," which was negatived by a large majority.

Mr. WRIGHT then moved to fill the blank with "six." This motion was negatived—thirty votes only being in favor of it.

The question was next successively taken on filling the blank with "five," "four," and "three," and negatived—52 to 43, 51 to 44, and 49 to 45.

Mr. RHEA said, as the gentleman (Mr. WRIGHT) had informed the Committee he had spoken for his own gratification, Mr. R. hoped he might be allowed also to gratify himself. And he would tell that gentleman that he was not gratified to hear reflections cast upon this House, as not disposed to protect commerce. For what is the war in which we are about to engage? Is it not a war arising altogether from commercial difficulties? But because a majority cannot be gotten to consent to build new frigates of unseasoned timber, they are to be charged with being unwilling to protect commerce, though they have expended millions of dollars in our present Navy, in gun-boats, fortifications, &c. and are, at length, about to go to war for commerce!

It had always been his wish, Mr. R. said, to see established the principle, that free ships should make free goods. But why build more frigates? If a seventy-four gun ship were to come on the coast, the frigates would have to shelter themselves from it under the batteries. Let gentlemen come forward and build a ship of 130 or 150 guns, which would bear down anything which could be brought against us, and he would support it; but he was tired of building frigates, they were little better than gunboats.

Mr. R. understood that France had it now in her power to send one hundred vessels of war to sea; but she could not get them out of her ports for the superiority of the British navy; and yet shall we talk of building a navy sufficient to meet the British? It was his opinion, that the best way of protecting our commerce was to get possession of the British Provinces and keep them. But gentlemen say, that without a navy we shall never be able to make peace with England; why, then, said he, we will fight them to eternity. And he hoped gentlemen who are so very anxious for a navy, would permit him, and others, who do not think it either necessary or expedient, to enjoy their own opinions without censure.

But how would this navy obtain peace for us? Had the navy of Denmark availed them anything? The destruction of that navy ought to caution us how we build our ships for England to take or destroy. Mr. R. never expected to have heard the raggamuffin Government of St. Domingo compared with the Government of the United States.

[Mr. CALHOUN denied having made any comparison between the two Governments.]

Mr. RHEA was glad he had mistaken the gentleman in this respect. As to how we should

make peace with Great Britain, at a future day, he would not now trouble himself about that; he found enough to do now to prepare for making the war effective; when the time came for making peace, it would be time enough to think about it.

Mr. BASSETT, after some prefatory remarks, in which he spoke of his exposed situation to attacks from any naval force which might lie on our coast, asked the gentleman who moved to fill the blank with *two*, to withdraw it, and he would then move to strike out that part of the section which relates to building frigates, in order to insert a provision for building four seventy-four gun ships. This was done.

Mr. SMILIE said, that he was concerned for the exposed situation of his friend from Virginia, though he hoped he had magnified the danger. That gentleman well knows, however, that the national interest ought to be the first object of consideration. As far as it is in the power of the nation to extend its protection to individuals, consistent with the public interest, it will do so. But he differed so entirely in opinion with the gentleman on this subject, that what he would consider as a protection, he considered no security at all. He knew that persons in some situations are more exposed than others. He had himself once lived on the Indian frontier; yet at that time he was satisfied to bear the injuries to which he was exposed, rather than draw to that part of the country such a part of the public force as might have exposed the whole country to danger. He had no doubt the gentleman from Virginia would act in the same way.

What protection could the gentleman expect from four seventy-fours and ten frigates? Certainly none. Though the gentleman from South Carolina still retains the notion of their being able to contend with a British force—a force of a thousand ships, and without an enemy on that element. And can it be supposed, that now, on the eve of a war, we can build ships to assist us in this contest? It cannot be done. He had declared himself opposed to a Naval Establishment for this country; but if he were ever so warm a friend to it, and it was the determination of Congress to build a navy, it must necessarily be the work of many years of peace.

Much had been said about the value of commerce; and that no nation was ever great or wealthy without it. Commerce, it is true, has a tendency to introduce wealth and luxury into the country, and to improve the manners of a people; but has never been favorable to morals—on the contrary, he believed it was destructive to correct morals. We ought not, therefore, to make sacrifices for it that would ruin the country; for no commerce that we ever had or shall have, would support the expense of a navy. To make comparisons between the situation of this country and Great Britain is ridiculous. There are two strong reasons for a fleet there, which do not exist here. From her insular situation, a navy is her bulwark and wall of defence; and it is necessary for keep-

ing up her commerce and communication with her foreign colonies.

A great objection to navies is, that wherever they exist they are sure to produce a heavy national debt, which is even more dangerous to liberty, than either fleets or armies.

The motion was negatived, 54 to 39.

Mr. CHEVES moved to fill up the blanks in the section providing for the purchase of timber and other imperishable materials for ship building, with the sum of "two hundred thousand dollars annually for three years, viz: the years 1812, 1813, and 1814."

Mr. RHEA considered this section as a kind of pledge that we will hereafter go on with this navy. For himself, he did not wish to enter into any such engagement, and should therefore move to strike out the section.

Mr. BURWELL submitted to the gentleman from Tennessee whether he might not obtain his object in a different way, without striking out the section, by moving to strike out that part of the amendment which extends the appropriation beyond the present year, and leave a successive Congress to appropriate money for this object, or not, as they may judge proper. He was clearly of opinion that if we engage in a commercial war, some portion of our strength ought to appear in vessels of war; but not to such an extent as to embarrass the country by large appropriations for this object. He should, therefore, vote against striking out this section; but he did not mean, by this vote, to pledge himself to favor, at any time, the establishment of a large navy. From the nature of our Government, some degree of naval force appears to be necessary; but how far it is proper to burden the country at this time, it becomes a matter of consideration. Mr. B. saw no danger to be apprehended of our getting such a navy as would lead us to make conquests; as it never could become such without the consent of the people; and the expense attending such an establishment would always prevent its growing too rapidly. If we were to be engaged in war with England, Mr. B. thought it would not be well to go to building ships so large as seventy-fours, which would require each a thousand men to man them; it would be more serviceable to divide the force into smaller vessels, which would have a greater effect on our enemy, and expose us to less risk in losing our men. Mr. B. apologized for having said more than he intended.

Mr. RHEA thanked the gentleman for his advice; but gave reasons why he preferred his own motion to the one which he recommended.

The motion for striking out the section was negatived, there being only 27 votes for it.

Mr. BURWELL asked for a division of the question, by first taking the sense of the Committee upon the amount of the appropriation. If carried, it could afterwards be decided whether it should be made for one, or three years.

The first question being carried and the second put—

Mr. SMILIE objected to making the appropriation for more than one year. It was wrong to

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suppose that all wisdom rested with them. Another Congress would be as capable of judging of the propriety of making the appropriation as the present. He hoped it would be left to them.

Mr. CHEVES observed, that if the appropriation were to be limited to one year, it would, in a great degree, defeat the object in view. The committee had proposed the appropriation in this way, rather than to call for \$600,000 at once; as it would enable the Department to make the necessary contracts without requiring the money to be immediately appropriated.

The question on making the appropriation for three years was carried; there being 61 votes for it.

The next section relates to a dock yard. The Committee rose, without taking a question upon it, and had leave to sit again.

FRIDAY, January 24.

Mr. GHOLSON, from the Committee of Claims, presented a bill for the relief of Jonathan Williams, which was read twice, and committed to a Committee of the Whole on Tuesday next.

Mr. NEWTON, from the Committee of Commerce and Manufactures, to whom was committed the bill authorizing the Secretary of the Treasury to decide on the case of the *Eliza Ann*, with the amendments from the Senate, reported the bill, and recommended the adoption of the Senate's amendments. The House went into a committee on this bill; and having agreed to it, and reported their agreement to the House, the House took up the bill and agreed to it as amended. The title of the bill is amended by adding the words, "and the case of the ship *Mary* and *Francis*, belonging to Nathaniel Goddard."

NAVAL ESTABLISHMENT.

The House again resolved itself into a Committee of the Whole, on the bill concerning the Naval Establishment.

Mr. GOLD.—I have hitherto, Mr. Chairman, remained silent during the interesting discussion of the bill on your table. I should not now rise, after the able and eloquent arguments I have witnessed, was it not for the peculiar situation of the State of New York, her commercial character, and exposed situation. The discussion, sir, has involved the great national policy of a navy, than which a more important subject could not be presented to any Government, and especially to that of the United States.

When gentlemen urge against the bill the sickly and deficient state of the Treasury, I am not moved; but, sir, when it is said that the time has not come, and probably never will, for providing a Naval Establishment; when the policy of a navy under any circumstances is questioned, I cannot dissemble; I feel concern; I am alarmed for the interests of the commercial States in the Union. I know full well, Mr. Chairman, the inauspicious circumstances, under which I address many gentlemen of the Committee, with whom strong prepossessions against a navy have long prevailed. But it is due to this great question, that the ground

of former opinions should be reviewed, and the intrinsic merits of the question subjected to the test of sober reason, uninfluenced by pre-judgment or former impressions.

Has the Constitution of the United States left the question open, for Congress to adopt or reject the policy of a navy, or was it settled by the framers of the Constitution, and a moral obligation created upon Congress to provide a navy as soon as the resources of the United States will permit?

Gentlemen will bear in mind, in considering this question, that ours is not a Government of absolute sovereignty and general jurisdiction, but limited as to its objects and powers; that the necessity of national legislation on certain subjects produced it, and the delegation of power by the States was guided solely by that necessity. If the exercise of a power was necessary to the General Government it was given; if not necessary, it was retained by the States. Is not this, sir, the fair and just principle that governed the Convention in the delegation of power to the General Government? If so, then, sir, I do confidently insist, that the policy of a navy is decided by the Constitution—that the Convention in giving to this Government the "power to provide and maintain a navy," did decide that power to be necessary, and intend it should be exercised for the protection of the commerce and defence of the United States. What, sir! was the power to provide a navy taken from the States as a deadly poison, to be here destroyed; or, like edged tools, wrested from the hands of children, to be laid up here out of harm's way? Is this power so vested in Congress to be preserved like the consecrated gold in the temple, to be seen only by the high priest, but touched by no mortal? Is it to remain here dormant, never to be called into action?

What adds greatly to my construction is, that this power is not only given to the United States but taken away or denied to the States; it never can be believed, that the commercial States would have surrendered up this appropriate power of protection by a navy, together with a rich impost revenue, except upon the fullest confidence and clear conviction that the Constitution imposed on Congress the obligation to furnish to commerce naval protection.

At the period of the Constitution, commerce was important to the United States; it may be considered among the great objects of the Constitution; but every revolving year down to this day has increased that importance in unfolding new and extensive commercial benefits; so important have the interests of commerce become at this time, that the present war, which has spread over the most of the European theatre, may be considered a war of commerce. Can any man, in his sober senses, believe that the commercial portions of the Union will consent to abandon this treasure?

It is said "the time has not come for a navy." What further dangers, what new scenes of trial are now reserved for suffering humanity? Have we not seen in our days an epitome of centuries

for all that is great and audacious in human power, for all that is flagitious in its abuse? Have we not seen nations crushed like the poor beetle beneath the giant tread of this modern Attila of France? Neutral rights! they are known only in their violation. If the time has not yet come for preparation, it may be justly said that it never will come.

But it is objected, that "our efforts would be nugatory," as we cannot meet that Power, which has obtained superiority on the ocean, ship to ship and man to man. What, sir, is the tendency of this objection? What the consequence of this logic, but to disarm and expose naked all the minor or secondary Powers of the world? To invite them to retreat altogether from the ocean, or yield themselves up as unresisting victims to injustice and rapine? Consequences which no enlightened man can fail to see; no virtuous man but to deplore; no brave man without an impulse to draw his sword.

When the Athenian State had obtained a decided superiority at sea, among the Grecian States, as well in the number of her ships as in the skill of her seamen, the minor powers of the Peloponnesus, instead of yielding themselves up to despair, to such counsels as are now urged upon us, united their little fleets and boldly advanced to the conflict on the ocean; they nobly persevered till Athens was humbled in the dust. To draw nearer to our own times, let gentlemen turn their eyes to Europe, and there behold the Government of France, after a series of defeats and disasters at sea, ending in almost annihilation of their fleet, yet persevering in the unshaken policy of a navy, and firmly resolving to restore it on the ocean. Is the Emperor of France also blind to policy, to the true instruments of his power? He has given too many fatal proofs of his skill for us not to acknowledge, that no man living better comprehends the means necessary to compass his ends. Shall the United States, with a situation so much more advantageous, with seamen so much superior, abandon the ocean, and give in to this blind and ruinous policy?

The opinion of the late President Jefferson has been read from his Notes on Virginia; an opinion formed in his closet, at an auspicious period, before he plunged into that scene of party turmoil and confusion that followed.

I now present you the official communication of President WASHINGTON, on the subject of a navy, from his speech at the commencement of the session of the fourth Congress:

"To an active external commerce, the protection of a naval force is indispensable. This is manifest with regard to wars in which a State is itself a party. But, besides this, it is in our own experience, that the most sincere neutrality is not a sufficient guard against the depredations of nations at war. To secure respect to a neutral flag requires a naval force, organized and ready to vindicate it from insult or aggression. This may even prevent the necessity of going to war, by discouraging belligerent Powers from committing such violations of the rights of a neutral party, as may, first or last, leave no other option. From the best information I have

been able to obtain, it would seem as if our trade to the Mediterranean, without a protecting force, will always be insecure, and our citizens exposed to the calamities from which numbers of them have but just been relieved.

"These considerations invite the United States to look to the means and to set about the gradual creation of a navy. The increasing progress of their navigation promises them, at no distant period, the requisite supply of seamen; and their means, in other respects, favor the undertaking. It is an encouragement likewise, that their particular situation will give weight and influence to a moderate naval force in their hands. Will it not then be advisable to begin without delay, to provide and lay up the materials for building and equipping ships of war, and to proceed in that work by degrees, in proportion as our resources shall render it practicable without inconvenience; so that a future war of Europe may not find our commerce in the same unprotected state, in which it was found by the present."

This great and good man, who knew how to preserve what he had so gallantly contributed to acquire, could not retire from the councils of his country, without a parting lesson on this interesting subject, which he has thus placed on record for the benefit of his countrymen.

It is much to be lamented, that advice from so high, so pure and unsuspecting a source, should have lost its influence on those who wield the destinies of the country. This enlightened statesman had not formed that strange opinion, that if we could not equal the greatest Power on the ocean, therefore we should retire and yield to the least; to become a prey to every petty Power that could send a corsair to sea.

It is further objected, that commerce is not worth the expense of protection. At prosperous periods, the annual export trade of the United States may be estimated at seventy millions of dollars; an average of the last nine years, excluding the present year, is \$72,469,000; this includes both domestic and foreign articles. The export of domestic articles only for the year ending in October last is \$45,000,000. The benefits of a free commerce to the husbandman are incalculable; a favorable market for his surplus produce, a reward for the toils of the field, by stimulating industry, greatly increases the products of the country, and adds to the valuation or intrinsic wealth of the State; the augmented amount of the product becomes so much clear profit. Although particular articles have, the last year, found a favorable market, yet the general market is bad; the country languishes, and the farmer sickens at the past, and sighs for the return of the former rich and joyous tide of free commerce. No man who is not blind to the best interests of his country can fail to see the importance of commerce, and the necessity of protecting it.

It has been alleged, that the balance of trade, with Great Britain, is against the United States. I know, sir, very well the difficulties attending the investigation of what is termed the "balance of trade;" but there are palpable errors in the usual calculations on this subject. An estimate of exports is made at our custom-houses by a valuation of the article when shipped. Now it is obvious, on a moment's reflection, that the value

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of the export to us is in the price at which it is sold in Great Britain; this is what we receive from Great Britain, and it frequently exceeds the valuation at our custom-house twenty-five or thirty per cent. The great error lies in not bringing into the account freight, insurance, &c., which is the fruit of American industry; our ships are from our own forests, and are navigated by American hands. On imports, freight or an equivalent percentage is, I understand, added to the invoice, or contract price, at the custom-house, to show the amount imported, as though freight was always paid to a British ship owner; whereas the original cost of the article imported should be only regarded in stating the account of imports. My remarks are confined to trade in American bottoms. The fair result will, I am persuaded, prove, that our trade with Great Britain is advantageous to the country, having a due regard, at all times, as we ought, to check the importation of such articles as our own manufactures can supply on good terms. To the arts of peace and the great interests of free government, commerce in all ages and states has proved eminently favorable, and in this view comes strongly recommended to the freemen of the United States.

It is further alleged, that "the country does not possess the pecuniary resources for a navy." This Government has received from commerce alone, in duties, the enormous sum of \$191,291,734, from its commencement, including the Secretary's estimate for the year just ended. A Government, with such a revenue, cannot be without resources in credit at least. For this liberal contribution of commerce, protection is justly due. A reasonable portion of the above amount ought to be considered as placed in a strong box, sacred to the protection of the commerce of the country. If it has been withdrawn for any other purpose; it ought now, in this day of peril on the sea, to be restored. To refuse this protection, is to do injustice to the interests of the country; to undermine the Federal compact and sap the foundation of the Union. Standing up on the high ground of the Constitution, the commercial States, oppressed in every sea, and bleeding at every pore, make this appeal for protection, and, I trust, it will not be made in vain. The port of New York alone has, for several years, contributed thirty-two hundredths, or nearly one third, of the whole import revenue of the United States; this sum, about forty-five millions in the whole, would have enabled that State alone to build a navy greatly exceeding all the United States have done on the subject. You ought not "to muzzle the mouth of the ox that treadeth out the corn;" you ought not to afford to any State cause of regret for having entered the league.

Great additions to the Navy at this time are not asked. The policy of the Government, in relation to commercial protection, should be distinctly declared, and a reasonable portion of the public revenue appropriated for that purpose. New and increasing obstacles are thrown in the way. It is said "we cannot man a navy." Assertions and pretexts may be multiplied with-

out end. Is there anything more dear to the heart of the sailor, than the sailor's life? the charm continues till death. Why should there be more difficulty in procuring a sailor than a soldier? Will not the same bounties avail? WASHINGTON, in recommending a navy, did not discover this obstacle. "Seamen will prefer to engage on board privateer ships," it is said; how can this be? Does not the sailor (in public vessels) receive wages in addition to prize money? No, Mr. Chairman; such suggestions, such imaginary obstacles, ingeniously multiplied in every stage of the debate, at every step in our progress, will not, they ought not to avail. The Constitution has pledged the Government to the protection of commerce; the best interests of the country require it; the injustice of foreign nations, the daily violation of the American flag, demand it; and the present eventful period, so big with danger, so strongly marked for a subversion of all that has been held sacred in the laws of nations, admonishes us of our duty, and proclaims aloud that the time has come, when the Constitutional power given to this Government to provide a navy, should be effectually exerted.

The blank in the section for providing a dockyard, was filled with one hundred thousand dollars.

Mr. RHEA moved so to amend the bill as to fix the dock yard in the navy yard at Washington City; but this motion was negatived by a large majority.

On motion of Mr. CHEVES, the words "central and," were struck out, so as to leave the site of the dock yard to be determined by the Executive.

The Committee, having gone through the bill, rose and reported it to the House with the amendments. The House took up the bill, and, on the question of filling up the blank for repairing the vessels on hand with "four hundred and eighty thousand dollars," it was carried—yeas 90, nays 23, as follows:

YEAS—Willis Alston, jun., William Anderson, Stevenson Archer, John Baker, David Bard, Burwell Bassett, Abijah Bigelow, Wm. Blackledge, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Wm. A. Burwell, William Butler, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Matthew Clay, John Clopton, Lewis Condit, William Crawford, John Davenport, junior, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Ely, James Emott, James Fisk, Asa Fitch, Thomas Gholson, Thomas R. Gold, Isaiah L. Green, Felix Grundy, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard Jackson, jun., Richard M. Johnson, Joseph Kent, William R. King, Lyman Law, Peter Little, Robert Le Roy Livingston, William Lowndes, George C. Maxwell, Archibald McBryde, William McCoy, Alexander McKim, James Milnor, Samuel L. Mitchell, Jas. Morgan, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, Joseph Pearson, Israel Pickens, Timothy Pitkin, junior, James Pleasants, junior, Benjamin Pond, Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, Henry M. Ridgely, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage,

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Thomas Sammons, John Sevier, Adam Seybert, Daniel Sheffey, John Smith, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Uri Tracy, George M. Troup, Charles Turner, junior, Laban Wheaton, Leonard White, Thomas Wilson, Richard Winn, and Robert Wright.

NAVS.—William W. Bibb, Adam Boyd, Robert Brown, James Cochran, Meshack Franklin, Edwin Gray, Bolling Hall, Abner Lacoock, Aaron Lyle, Nathaniel Macon, Samuel McKee, Arunah Metcalf, Wm. Piper, William Rodman, Ebenezer Seaver, Samuel Shaw, John Smilie, George Smith, Richard Stanford, William Strong, Robert Whitehill, and David R. Williams.

The question was next put upon agreeing to the report of the Committee to strike out the second section of the bill, which contemplated the building of new frigates; when

Mr. WILLIAMS rose and spoke at considerable length. He said the time was very inauspicious for commencing an undertaking of such magnitude as the building a navy, which could be of no use in the approaching contest. He doubted the policy of engaging in the business at all; for navies, he said, had deceived the hopes of every country which had relied upon them; that we could never expect to be able to meet Great Britain on the ocean; that we had fought through the Revolution without a navy; for in that contest, a single privateer had done more than the few ships of war which were in possession of the old Congress; that except we are able to build and equip a navy equal to meet the British at sea, we were better without one, as our ships would probably fall a prey to their superior force; that his greatest objection against a navy was, that it must be kept up in time of peace as well as in war; that when the gentlemen spoke of a navy as cheaper than an army, they could not mean to say that if we had a navy the army would be dispensed with—they could not, for instance, take possession of Canada by a navy; that the building of a navy would burden the people with oppressive taxes; that such an establishment would serve only to increase Executive patronage; that with respect to commerce, the people were willing to give it all the protection in their power, but they could not provide a navy for that purpose.

Mr. CHEVES spoke at some length in reply to Mr. WILLIAMS.

After a few words of rejoinder by Mr. WILLIAMS, the House adjourned.

SATURDAY, January 25.

Mr. BURWELL moved that the report of the Secretary of War, in conformity to a resolution which he, some time ago, presented to the House, in relation to Indian affairs, be referred to a select committee.—Agreed to.

Mr. DAVID R. WILLIAMS gave notice that he should, the first opportunity which he could get, call up the bill for classifying and arming the militia of the United States.

Mr. JENNINGS called up for consideration a resolution, which he had laid upon the table some

time ago, calling upon the President of the United States for information respecting Indian agents in the Indiana and Illinois Territories, touching certain treaties and purchases of lands. Agreed to.

Mr. CONDIT said, that by a report of the Comptroller of the Treasury, made on the 8th of November last, there appeared to be a large amount of public money due from public officers. He thought some efficient measures ought to be taken to obtain payment of these arrears. He, therefore, offered the following resolution:

Resolved, That the Committee of Ways and Means be directed to inquire into the causes of the suspension of payment and losses which have accrued from the defalcation of public officers, and report to this House what alterations or amendments are necessary in the laws for the collection of the revenue, in order to secure the prompt payment of its officers in future.

After a few explanatory observations from Mr. BACON, (chairman of the Committee of Ways and Means,) from which it appeared that the attention of the committee had already been drawn to this subject, the resolution was agreed to.

NAVAL ESTABLISHMENT.

The House then took up the order of the day, which was the bill concerning the Naval Establishment: The question on agreeing to the report of the Committee of the Whole to strike out the second section of the bill, which provided for the building of a number of new frigates, being under consideration.

Mr. WRIGHT.—Mr. Speaker: Congress having provided by law a regular army, and a volunteer corps sufficient for every purpose of offence and defence, and to guard our territorial frontiers, our attention is now correctly drawn to the protection of our commerce, our seamen, and maritime frontiers, by the establishment of such an additional naval force as our resources may enable us, without inconvenience to the people, commensurate to the object, as nearly as possible, and demanded by the crisis, and the public expectation. Sir, in the consideration of this subject, I am sorry to discover any symptoms of geographical objections to the bill; and I am prompted by the occasion to remind gentlemen in this House of the Valedictory Address—the official legacy—of the immortal Washington, to the American people, “not to suffer themselves to be influenced by any geographical considerations, which would set in array one section of the Union against another; that the union of these States was the sheet anchor of our hope, and its permanence the best security of the liberties of the whole.”

Sir, I consider the American people one great family, united by the social compact, by which the interest of every section of the Union is to be guarded by the equal energies of the Government; and I consider Congress as the father of that family, bound by an equal affection to every member of it, to protect its various, distant, and discordant interests with parental care, and to dispense its justice, its favors, and its bounties, with an even hand.

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Sir, every member of this honorable body is the representative of the whole American people, and by the great charter, which was surely a measure of compromise, intended to *unite* the American people, and by that union to give strength, and by its organization protection; by the application of its united energies, to secure every interest of every portion of the great American empire.

I cannot, from my own feelings upon the occasion, and the recollection of the commission by which we are appointed to act, for the common defence and general welfare of the whole, suffer myself to believe that any honorable member will suffer himself to be influenced by any other than his best judgment how and in what manner that general welfare will be best promoted, notwithstanding the violent geographical symptoms that have manifested themselves in this case.

I, for my part, should blush if I was influenced by any other motives, nor will I ascribe to others that of which I for myself should be ashamed.

Sir, it will be recollected with what promptness this House lately acted in providing six companies of rangers to patrol the territorial frontiers of the West, to guard the children of the woods on that frontier from the savage scalping knife; I with pleasure beheld its electric transit through the House, and I hope it will not be forgotten by gentlemen of that quarter when they are called on to protect the maritime frontiers on the South and the East, although against a civilized yet not less savage foe.

I hope gentlemen will also recollect the chain of redoubts on our territorial frontiers, and that the soldiers of our peace establishment are stationed there for their protection.

I trust the recollection of these things will have the desired effect, and that this honorable body will feel not only its justice and equanimity, but its magnanimity enlisted, in providing such an additional naval force, as will not only protect commerce, that in which we are all interested, but effectually protect our maritime frontiers, in which the inhabitants of the seaboard and bays are more immediately interested.

Sir, in order to present to the House distinctly my views of the naval force, I wish at *this* time to add to our present navy the exact amount of the expenses of its establishment, and the annual expense to support it, as well as the resources of the nation out of which it is to be established and supported, and the extent of the commerce to be hereby protected—I must beg their indulgence while I deal a little in official detail, and show them the force intended; the expense to be incurred; the funds out of which it is to be effected, and the commerce to be thereby protected. But, before I proceed, permit me to remark, that the force I shall propose is limited by discovering an indisposition in some gentleman to vote for the ten 38-gun frigates, from an apprehension of our inability at this time to meet the expense, and in others, from an implacable aversion to any navy at all, and not from any objection I have

to the force proposed. Therefore, from a persuasion that the ten 38-gun frigates cannot be carried, as well as from a spirit of accommodation, I propose to fill the blank with six 32-gun frigates, which I confidently hope will obtain. The expense of building six 32-gun frigates, by the report of the Secretary of the Navy, is \$768,000, and the annual expense of supporting them \$612,000.

Sir, having stated the force and the expense of establishing and maintaining it, I will now state the resources of the nation, out of which it is to be established and supported. The public lands of the United States are six hundred millions of acres, which are now sold at not less than ~~two~~ dollars per acre, making twelve hundred millions of dollars, the annual interest of which is, at six per cent., seventy-two millions of dollars; and these lands must increase in value in a ratio proportioned to their demand and reduced quantity. Sir, their demand is increasing every day by the emigration of our own citizens to them, and by their invitation to foreigners, who are crowding into this asylum of liberty, flying from the persecutions of the Old World, as appears by the late census; and, as the quantity shall be reduced, Congress, as the guardians of the public purse, will assuredly increase and graduate the price by the demand. Sir, the net revenue on impost and tonnage has exceeded fifteen millions of dollars per year. Our exports in one year of prosperity have exceeded one hundred and seven millions of dollars, and our imports have exceeded seventy-five millions of dollars. Our registered tonnage employed in foreign commerce is 984,269 tons, besides that employed in the coasting trade, and in the small waters of the United States.

Sir, can it be possible that any gentleman not averse to a navy, or not devoted to the Chinese policy, after this view of the expense of building and maintaining six thirty-two-gun frigates, and this statement of the resources of the nation, the immense amount of our exports and imports, and the great amount of our tonnage, can have a doubt of our means, or of the expediency of protecting so important an interest? I trust they will not; and that they will grant this additional force to shield us in a point so vulnerable, and to protect interests so important. I will remind gentlemen that every article necessary for the building these frigates is the product of this country, *already* almost entirely supplied, and that by our own citizens; that the workmen to be employed in building these ships are our own citizens; that the officers and men that will command, navigate, and fight them, will be members of this great family, who will be employed as a corps of sentinels to guard our commerce and maritime frontiers; that not a cent will be paid for their establishment or maintenance but to our own citizens: so that every farthing that is taken out of the purse of the nation for this important purpose will go into the pocket of some of the family, who will be benefited in the proportion that the nation is taxed and protected.

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Sir, some gentlemen seem alarmed at the expense of the expected war, and urge that as a pretext against voting for a navy. To them I say, if that is really their objection, that the ungranted lands in Canada, with the duties on impost and tonnage, when conquered, will amply pay us for all the expense of liberating that people from despotism, and adding those provinces to the United States as members of the Union. Should they oppose it, it will be with reluctance, or for fear we should not succeed; or, that if we did, we should restore them back again to Great Britain at the end of the war.

Sir, the losses we have sustained by captures made at sea, invited by our naval weakness, are immense. At the time of our treaty with France, in 1800, our losses by captures by her cruisers were estimated at twenty-four millions of dollars; and although by the second article of that treaty France proposed to make these captures, and the claims of France against the United States, the subject of future negotiation, the Senate at that time rejected that article, and forced on Mr. J. Adams the ratification of that treaty without it; he declaring at the time that he had rather ratify the treaty with it; and we know that the loss of this twenty-four millions of dollars was charged on Mr. Jefferson's Administration; although the treaty was ratified by the Senate in the time of Mr. Adams, and in the manner I have stated. The Senate alleged that it was to get rid of the guarantee of the possessions of France in the West Indies; although it reciprocally bound France to the guarantee of the possessions of the United States in America, and was made at the eventful crisis of the Revolution, in 1778.

Sir, I always suspect its rejection was intended to loosen the bands that connected the United States with France, more closely to connect us with Great Britain; although France had been the first foreign nation to acknowledge our independence, and by treaty to guarantee to us as a nation all the possessions of the United States in America, so far as it could be effected by the co-operation of her navy and army; so that, in fact, I conceive the loss of this twenty-four millions of dollars a sacrifice of the commercial interests of this country at the shrine of Great Britain.

Sir, the spoliations by Great Britain and France under their Orders in Council and decrees, admitted by both nations to be a violation of our neutral rights, have subjected the United States to incalculable losses; one hundred millions of dollars would not pay us for the obstructions and spoliations on our legitimate neutral commerce; and although France has so modified her Berlin and Milan decrees that they have ceased to violate our neutral commerce, yet she has but commuted them for municipal restrictions truly oppressive, and we are yet left to hope she will make compensation for these spoliations; while on the other hand Great Britain, notwithstanding her repeated asseverations, that when France should revoke her decrees violating our neutral commerce, that she would revoke her Orders in

Council; yet, sir, we are not left to hope that she will comply with her assurances, however officially and repeatedly made; but, on the contrary, she has multiplied her aggressions, and added new insults to repeated injuries.

Sir, it is impossible that the American people can or will submit to such a state of things, or that their Representatives can, as such, feel an indisposition to prepare a force to redress it, such as the resources of the nation will justify to be applied to that purpose.

Sir, this high-minded, magnanimous people, whose claims are just, and whose spirit and expectations are alive to avenge their wrongs, must and will be gratified in placing the nation in an attitude and in an armor to suit the crisis; they will applaud their Representatives for preparing a navy to arrest the lawless career of the pirates of the ocean, to retaliate by reprisals on their commerce and seamen—on the element of our wrongs.

Sir, the United States are insular in their situation in relation to Europe, Asia, and Africa, as well as to the West Indies, and indeed their coasting trade and commerce with South America makes a naval force all important for its protection; while the commerce of Europe to the West Indies and to South America is peculiarly exposed in its passage along our widely-extended seaboard, whereby she may be greatly distressed without our leaving our own coast.

Sir, we are told of her immense naval strength, and of the impracticability of our fighting her ships-of-the-line. Sir, it is her frigates and lighter ships of war we intend to fight, and her merchantmen we intend to capture. It is not her line of battle ships that capture our merchantmen; it is her frigates, sloops of war, letters of marque, and privateers. She has enough for her ships-of-the-line to do nearer home.

We are informed by the official reports of the French nation that an immense navy is preparing in France, and that in 1813 it will be ready, and equal to that of Great Britain. We shall then have nothing to fear from her line of battle ships; she will never send them here, and leave herself exposed to so awful and powerful an enemy at home. I hope the ocean will swarm with our frigates, sloops of war, letters of marque, and privateers, and that the war on commerce shall no longer be carried on only on one side, but that the nation and the people will unite in the majesty of their strength, and with an indignation graduated by their wrongs, so long and so unmeritedly inflicted.

Sir, the adoption of this bill is due to distributive justice, it is due to the best interests of the nation, it is due to the expectations of the American people, and it is peculiarly, in my opinion, due to ourselves.

It has been said that these frigates will be taken as soon as they go out. There can be no necessity of their being exposed to fight ships-of-the-line. Great Britain, in the neighborhood of France, with her mighty navy, has not been able, to arrest the spoliations by French frigates, who

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capture and destroy her commerce to an immense amount, nor do we hear of the capture of French frigates by British ships-of-the-line. I hope these gentlemen will banish their groundless conjectures, nor suffer the energies of the nation to be paralyzed by such anti-national feelings, but will join cordially in a measure so intimately connected with the protection of your commerce, your seamen, and your national honor.

I hope they will recollect the loss the nation endured by one year's embargo. Fifteen millions of net revenue on imports, besides the advantage of the exportation of upwards of an hundred millions of dollars, the surplus products of the labor, the industry, and enterprise of this country; and I ask if this was not imposed on the nation because of our naval imbecility and inability to protect our commerce; and shall we not profit by this lesson of fatal experience?

Sir, I ask gentlemen, if they ever heard of even a baggage wagon going without a guard in the neighborhood of an enemy! and shall we expose our immense commerce and our seamen on the great highway of nations, swarming with pirates, without a guard, upon the plea of poverty, which this view of our resources will induce every candid man to overrule? Sir, our Saviour advised his apostles to sell their cloaks to buy swords to protect them against robbers when journeying through the wilderness; and shall we, in the full tide of our prosperity, with such immense resources, refuse to supply this small naval armament to guard us through the great highway of nations, infested with sea-robbers? No, sir; this House has justly and liberally provided an army to protect our territorial frontiers and to avenge our wrongs, and I confidently hope will provide this additional naval force for the protection of our commerce, our seamen, and our maritime frontiers.

Mr. Speaker, having presented my view of the projected force, the expense of establishing and maintaining it, the resources of the nation, and the important interests to be protected and secured by this additional naval armament, I must beg the further indulgence of the House while I make a short reply to some of the prominent remarks of the honorable member from South Carolina (Mr. D. R. WILLIAMS,) and this, sir, I shall do with the most profound respect for that gentleman. I sincerely regret to find him enrolled with the opponents to the navy, after his distinguishing himself so highly by his excellent speech in favor of the army, so congenial with the feelings of the nation and my own.

Sir, is it not a little extraordinary, that this gentleman should be opposed to this little addition to the navy, for fear it might be misapplied, to endanger the liberties of the people, when he, with a fervor peculiarly his own, at the same time wished to be armed with the red lightning, with which he told us he would drive the fast-anchored British isle from her moorings, and in a feverish manner threatened to make havoc on both sides of the British Channel? I must enter my protest against his being armed with this power. I am satisfied that it should remain where it is, and

where we know it will not be abused. Sir, he has told us that the United States were born without a navy, that there was no navy in the Revolution, and that without a navy we had attained our present high rank among the nations of the earth.

That the United States were conceived without a navy I admit, but that they labored under the want of a navy at the commencement of the Revolution I insist, or General Gage and his savage army would never have escaped from Boston, the cradle of the Revolution; but the hardy, Herculean sons of New England would have made them pay for their temerity, and by their extirpation have made them expiate every drop of blood shed at Lexington and Bunker's Hill.

But, sir, it will ever be gratefully recollected by the patriots of the Revolution, that the capture of Cornwallis's army at York town, by the united arms of France and America, put a glorious period to the war of the Revolution, and gave birth to the empire of America; and that this great achievement was accomplished by the co-operation of the navy of France, then our magnanimous ally, that "wonderful people," whom the enemies of the Revolution will therefore never forgive.

He tells us, England alone has been benefited by a navy. I will admit, that even her existence has been preserved by her navy; but I must insist, at the same time, that we have been nearly ruined for the want of one.

He asks, if the President has been able with our present navy and gunboats to prevent the British from blockading up our ports and harbors? I in reply say, no, sir, the President has not. And why has he not? Because he had not the power by law, nor the inclination, without it, to break the peace of that nation. I, in my turn, ask that gentleman, whether the President has not (since Great Britain was by law interdicted the ports and harbors of the United States) effectually prevented it by his proclamation, and by our frigates and gunboats? We all recollect the recent case of a British frigate anchoring in Hampton Roads, whose commander, hearing of a meditated attack by the gunboats at Norfolk, cut her cables in the night and run away to sea to avoid the conflict, although these gunboats are so frequently libelled on this floor.

This gentleman, not content with opposing this additional naval armament, has also attacked the little navy we have. He has told us "the system is rotten to the core," that the navy accounts are always incorrect, and that they are made out so that the expense of the repairs to the respective vessels in the navy yard, "under the nose of the Government," cannot be distinguished from each other. Sir, if that subject is examined with candor, it will be found to arise from the promiscuous use of the materials provided at the navy yard, where several vessels are repairing at the same time, and that the whole amount of the whole repairs are correctly stated; and that it would be next to impracticable to distinguish where the timber, plank, spikes, oakum, and paint, were promiscuously used, to which vessel it was

particularly applied—nor can it be material, or any evidence of a misapplication of naval funds. But, sir, is it a fair mode to try the merits of a system, a system approved by its adoption by the nation, by a charge of abuse in its management? I should presume not; we ought to correct the abuses and preserve the system.

Sir, we have recently had the distinguished aid of that gentleman to raise an army of twenty-five thousand regulars. I ask him, whether the clamors of abuse in the sickness and deaths in the army of New Orleans, would have had any operation on his vote? No, sir, I am confident it would not; and we all know, notwithstanding those clamors, that the mortality among the troops at that time was owing to the sickly season on raw troops in a sickly country, peculiarly sickly at the time, and by the visitation of heaven, against which no policy could have obtained; nor do I believe that any man of candor, acquainted with the history of that business, can withhold his approbation of the honest zeal and official solicitude both of the Secretary at War and the Commander-in-Chief, to preserve the health and lives of that army.

Sir, we are told, that the British have taken and destroyed a great number of the French ships-of-the-line, and that they will certainly destroy our little navy; "that our naval officers had taken the oath of blood," and would suffer themselves to be sunk before they would strike their colors. That the British have captured and destroyed many of the French ships-of-the-line in battle, by their superior force, I readily admit, but that they had paid dearly for it, candor must allow. The light ships, sloops of war, and privateers of France, however, have greatly distressed the British commerce by captures to an immense amount, and yet Great Britain, although in sight of her, had not been able to prevent it, although France had scarcely a ship-of-the-line upon the ocean; so that, by examining the naval history of France and England, we are rather encouraged to provide this force; and I hope we shall vote for this bill, although we have been told, (though not by the gentleman from South Carolina) that "England is fighting the battles of the world," as we well know she is plundering the commerce of the greater part of it.

Sir, that our naval officers have distinguished themselves, is proudly admitted by us all, and that to secure the restoration of American impressed seamen by reprisals on British subjects, and their exchange for our citizens groaning in bondage, would gladden the heart of every honest tar, as well as every real American, I hope shortly to see realized. Our naval officers, for so noble a purpose, would nobly fulfil their "oath of blood," an oath taken by every officer of the army and navy when he takes his commission. "Blood for blood," is an injunction of our holy religion; it is therefore a christian duty. I recollect, about the commencement of the war of the Revolution, reading a sermon preached in Virginia, I think by a Mr. Davis, to a body of troops just marching against the Indians, who had been imbruing their hands in the

blood of their countrymen on the frontiers—on this text—"Cursed be him who doeth the work of the Lord deceitfully, and cursed be him that keepeth back his sword from blood." And does not the murder of American seamen call as loud for justice?

Sir, I am really surprised that this gentleman should deny this small naval reinforcement to our little navy; whose officers, he tells us, are so brave. I am sure if our army was inferior to the opposing force, he would make it at least equal to that of the enemy. I think if he will not grant this additional force because it would be destroyed by the enemy, he, upon his own principles, is bound to lay up our little navy in ordinary, to save it also from destruction.

Sir, to magnify our difficulties he tells us, if we had this additional force we could not get seamen to man them without starving them into it, or by impressment; against which he entered his protest.

I have never heard before of any difficulty in manning our frigates in times of peace; and I am very confident that in time of war, when the valor and patriotism of our seamen was in requisition, and the rich prize harvest was before them, there would be less difficulty.

Although I should join in protesting against the impressment of American seamen, which is a partial official demarkation of particular persons, by the capricious selection of the officer; yet, sir, I can see no principle of discrimination between a fair draught of seamen, to defend their country on their element, the water, and of militiamen to defend their country on the land; though, I hope, the patriotism of the sons of America will never make a draught in either case necessary.

Although, sir, this gentleman has so powerfully opposed this proposed additional force, I think if his arguments are fairly examined, the United States cannot sustain any material loss by its adoption, or he has expressed a very unkind disposition to the citizens of the United States, in their individual capacities, whose interest he affects so sedulously to protect in their national character.

He has told us, "that the letters of marque and privateers of the citizens of the United States will destroy the British commerce; he will trust to them." What, sir, does he wish that national wrongs should be redressed by individual enterprise, without lending the little aid contemplated?

Sir, if private citizens can make a profit by fitting out privateers, by the amount of their prizes, will not the frigates contemplated, fitted out by the nation, be as likely to succeed? Can the United States, when the timber is prepared and the ordnance ready, feel greater difficulties than the individual, who will be obliged to provide every material for the special occasion, and which will be no longer useful to him?

Sir, the gentleman has demonstrated, that the voting these frigates must be expedient, or that he wished to involve private adventurers in an unprofitable enterprise, to promote the public good. His official zeal to preserve the treasure of his

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country has made him forget the interest of his countrymen. He, sir, in his conclusion made an unfortunate remark, that we have "a noble foe," to contend with, and ought to act with peculiar caution. "A noble foe," Mr. Speaker! If the most flagrant violation of our neutral commerce, by its indiscriminate plunder, be "noble;" if the most unhallowed, piratical practice of impressing native American seamen be "noble;" if the compelling impressed native American seamen to shed the blood of their country, be "noble;" if murdering and hanging American seamen in cold blood be "noble;" if, after firing the first shot, the fixing it on us, by the perjuries of a whole crew, be "noble," they are certainly a nation of nobles. But, sir, I differ most cordially with that gentleman in their being a noble foe—I really consider them a band of perjured piratical plunderers, murderers, and sea-robbers, and I feel no hesitation in declaring them an ignoble foe, whom I hope very soon to see chastised by the strong arm of avenging justice.

Mr. QUINCY.—Mr. Speaker, I rise to address you, on this occasion, with no affected diffidence, and with many doubts concerning the expediency of taking any part in this debate. On the one hand, the subject has been discussed with a zeal, industry, and talent, which leave but little scope for novelty, either in topic or illustration. On the other hand, arguments from this side of the House, in favor of this question, are received with so natural a jealousy, that I know not whether more may not be lost than gained by so unpropitious a support. Indeed, sir, if this subject had been discussed on narrow or temporary or party principles, I should have been silent. On such ground, I could not condescend to debate—I could not hope to influence. But, the scale of discussion has been enlarged and liberal—relative rather to the general system, than to the particular exigency. In almost every respect, it has been honorable to the House, and auspicious to the prospects of the nation. In such a state of feeling and sentiment, I could not refrain from indulging the hope that suggestions, even from so favorite a quarter, would be received with candor—perhaps with attention. And, when I consider the deep interest which the State from which I have the honor to be a Representative has, according to my apprehension, in the event, I cannot permit the opportunity entirely to pass, without bringing my small tribute of reflection to the general stock of the House.

The object I shall chiefly attempt to enforce, is, the necessity and duty of a systematic protection of our maritime rights, by maritime means. I would call the thoughtful and intelligent men of this House and nation to the contemplation of the essential connexion between a naval force, proportionate to the circumstances of our seacoast, the extent of our commerce, and the inherent enterprise of our people: I say, sir, I would call them to the contemplation of the essential connexion between such a naval force and the safety, prosperity, and existence, of our Union. In the course of my observations, and as a subsidiary argument, I shall also attempt to show the connexion be-

tween the adoption of the principle of a systematic maintenance of our maritime rights, by maritime means, and relief from our present national embarrassments.

I confess to you, Mr. Speaker, I never can look—indeed, in my opinion, no American statesman ought ever to look—on any question touching the vital interests of this nation, or of any of its component parts, without keeping at all times in distinct view the nature of our political association, and the character of the independent sovereignties which compose it. Among States, the only sure and permanent bond of union is *interest*. And the vital interests of States, although they may be sometimes obscured, can never, for a very long time, be misapprehended. The natural protection which the essential interests of the great component parts of our political association require will be sooner or later understood by the States concerned in those interests. If a protection, upon system, be not provided, it is impossible that discontent should not result. And need I tell statesmen, that, when great local discontent is combined in those sections with great physical power, and with acknowledged portions of sovereignty, the inbred ties of nature will be too strong for the artificial ties of parchment compact. Hence it results that the essential interests of the great component parts of our association ought to be the polar lights of all our statesmen—by them they should guide their course. According to the bearings and variations of those lights, should the statesmen of such a country adjust their policy—always bearing in mind two assurances, as fundamental principles of action, which the nature of things teaches, that, although temporary circumstances—party spirit, local rivalries, personal jealousies, suggestions of subordinate interests—may weaken, or even destroy, for a time, the influence of the leading and permanent interests of any great section of the country, yet those interests must ultimately and necessarily predominate, and swallow up all these local and temporary and personal and subordinate considerations; in other words, the minor interests will soon begin to realize the essential connexion which exists between their prosperity and the prosperity of those great interests which, in such sections of the country, nature has made predominant; and that no political connexion among free States can be lasting, or ought to be, which systematically oppresses, or systematically refuses to protect, the vital interests of any of the sovereignties which compose it.

I have recurred to these general considerations, to introduce and elucidate this principle, which is the basis of my argument, that, as it is the incumbent duty of every nation to protect its essential interests, so, it is the most impressive and critical duty of a nation, composed of a voluntary association of vast, powerful, and independent States, to protect the essential interests of all its great component parts. And I add, that this protection must not be formal or fictitious, but that it must be proportionate to the greatness of those interests, and of a nature to give content to the States concerned in their protection.

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In reference to this principle, the course of my reflections will be guided by two general inquiries—the nature of the interest to be protected, and the nature of the protection to be extended. In pursuing these inquiries, I shall touch very slightly, if at all, on the abstract duty of protection, which is the very end of all political associations, and, without the attainment of which, they are burdens, and no blessings. But, I shall keep it mainly in my purpose to establish the connexion between a naval force and commercial prosperity; and to show the nature of the necessity, and the degree of our capacity, to give to our maritime rights a maritime protection.

In contemplating the nature of the interest to be protected, three prominent features strike the eye, and direct the course of reflection, viz: its locality, its greatness, and its permanency.

The locality of any great interest, in an association of States, such as compose this Union, will be a circumstance of primary importance, in the estimation of every wise statesman. When a great interest is equally diffused over the whole mass, it may be neglected or oppressed or even abandoned, with less hazard of internal dissension. The equality of the pressure lightens the burden. The common nature of the interest removes the causes of jealousy. A concern, equally affecting the happiness of every part of the nation, it is natural to suppose, is equally dear to all, and equally understood by all. Hence results acquiescence in any artificial or political embarrassment of it. Sectional fears and suspicions, in such case, have no food for support, and no stimulant for activity. But, it is far otherwise when a great interest is, from its nature, either wholly, or in a very great proportion local. In relation to such a local interest, it is impossible that jealousies and suspicions should not arise, whenever it is obstructed by any artificial or political embarrassment; and it is also impossible that they should not be, in a greater or less degree, just. It is true, of the wisest and the best and the most thoughtful of our species, that they are so constituted as not deeply to realize the importance of interests which affect them not at all, or very remotely. Every local circle of States, as well as of individuals, has a set of interests, in the prosperity of which, the happiness of the section to which they belong is identified;—in relation to which interests, the hopes and the fears, the reasonings and the schemes, of the inhabitants of such sections are necessarily fashioned and conducted. It is morally impossible, that those concerned in such sectional interests should not look with some degree of jealousy on schemes adopted in relation to those interests, and prosecuted by men, a majority of whom have a very remote or very small stake in them. And this jealousy must rise to an extreme height, when the course of measures adopted, whether they have relation to the management or the protection of such interests, wholly contravene the opinions and the practical experience of the persons immediately concerned in them. This course of reflection has a tendency to illustrate this idea—that, as in every political association it is of primary

importance that the great interests of each local section should be skilfully and honestly managed and protected, so, in selecting the mode and means of management and protection, an especial regard should be had to the content and rational satisfaction of those most deeply concerned in such sectional interests. Theories and speculations of the closet, however abundant in a show of wisdom, are never to be admitted to take the place of those principles of conduct in which experience has shown the prosperity and safety of such interests to consist. Practical knowledge, and that sagacity which results from long attention to great interests, never fail to inspire a just self-confidence in relation to those interests—a confidence not to be browbeaten by authority, nor circumvented by any general reasoning. And, in a national point of view, it is scarcely of more importance that the course adopted should be wise, than that content and rational satisfaction should be given.

On this topic of locality, I shall confine myself to one or two very plain statements. It seems sufficient to observe, that commerce is, from the nature of things, the leading interest of more than one-half, and that it is the predominant interest of more than one-third, of the people of the United States. The States north of the Potomac contain nearly four millions of souls; and surely it needs no proof to convince the most casual observer, that the proportion which the commercial interest bears to the other interests of that great section of the Union, is such as entitles it to the denomination of *leading interest*. The States north of the Hudson contain nearly two and a half millions of souls; and surely there is as little need of proof to show that the proportion the commercial interest bears to the other interests of that Northern section of the Union, is such as entitles it there to the denomination of *predominating interest*. In all the country between the Potomac and the Hudson the interest of commerce is so great, in proportion to the other interests, that its embarrassment clogs and weakens the energy of every other description of industry. Yet, the agricultural and manufacturing interests of this section are of a nature and a magnitude, both in respect of the staples of the one and the objects of the other, as render them, in a very considerable degree, independent of the commercial. And, although they feel the effect of the obstruction of commerce, the feeling may be borne for a long time, without much individual suffering, or any general distress. But, in the country north of the Hudson, the proportion and connexion of these great interests are different. Both agriculture and manufactures have there grown up in more intimate relation to commerce. The industry of that section has its shape and energy from commercial prosperity. To the construction, the supply, and the support of navigation, its manufactures have a direct or indirect reference; and it is not very different with its agriculture. A country divided into small farms, among a population great compared with its extent, requires quick circulation and easy processes in the exchange of its

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commodities. This can only be obtained by an active and prosperous commerce.

In order more clearly to apprehend the locality of the commercial interest, cast your eyes upon the abstract of tonnage—lately laid upon our tables, according to annual custom—by the Secretary of the Treasury, and it will be found that the aggregate tonnage of the United States is 1,424,000. Of this, there is owned—

	Tons.
Between the Mississippi and the Potomac	221,000
Between the Potomac and the Hudson	321,000
And north of the Hudson	882,000

Total - - - - - 1,424,000

If this tonnage be estimated, new and old, (as it may, without extravagance,) at an average value of fifty dollars per ton, the total aggregate value of the tonnage of the United States may be stated, in round numbers, at \$70,000,000. Of which—

Four-sevenths are owned north of the Hudson, equal to	\$40,000,000
Two-sevenths are owned between the Hudson and the Potomac, equal to	20,000,000
One-seventh is owned south of the Potomac, equal to	10,000,000
Total	\$70,000,000

To place the locality of this interest in a light still more striking and impressive, I state, that it appears by that abstract that the single State of Massachusetts, alone, possesses nearly half a million of tonnage—precisely, in round numbers, 496,000 tons—an amount of tonnage equal, within 50,000 tons, to the whole tonnage owned by all the States south of the Hudson.

I refer to this excessive disproportion between the tonnage owned in different States, and sections of the United States, rather as a type than as an estimate of the greatness of the comparative disproportion of the whole commercial interest in those respective States and sections. The truth is, this is much greater than the proportion of tonnage indicates, inasmuch as the capital and the industry occupied in finding employment for this great amount of tonnage, are almost wholly possessed by the sections of the country to which that tonnage belongs. A satisfactory estimate of the value of that capital and industry would require a minuteness of detail little reconcileable either with your patience, or with the necessity of the present argument. Enough has been said to convince any one who will take the trouble to reflect upon the subject, that the interest is, in its nature, eminently local; that it is impossible it can be systematically abandoned, without convulsing that whole section of country; and that the States interested in this commerce, so vital to their prosperity, have a right to claim, and ought not to be content with less than, efficient protection.

The imperious nature of this duty will be still further enforced by considering the greatness of this interest. In doing this, I prefer to present a single view of it, lest, by distracting the attention

with a great variety of particulars, the effect of the whole should be lost in the multitude of details. Let us inquire into the amount of property annually exposed to maritime depredation, and what the protection of it is worth to the nation, which is its proprietor. An estimate of this kind must necessarily be very loose and general; but it will be sufficiently accurate to answer all the purposes of the argument. For, the subject is of that massive character, that a mistake of many millions makes no material alteration in the conclusion to be drawn from the statement.

For the following estimate of the value of freight and tonnage, I am indebted to an honorable friend and colleague, (Mr. REED,) whose information and general intelligence concerning commercial subjects are, perhaps, not exceeded by those of any gentleman in either branch of Congress:

The total export of the United States, in the Treasury year ending October 1, 1807, was \$108,000,000; that of the year ending October 1, 1811, was \$61,000,000.

The average value exceeds \$80,000,000. But, to avoid all cavil, I state the annual average value of exports of the United States at - \$70,000,000

To this, add the annual average value of the shipping of the United States, which, new and old, cannot be less than \$50 per ton, and on 1,400,000 tons, is also - 70,000,000

To this, add the annual average value of freight, out and home, which, calculated on voyages of all description, may be fairly stated at \$70 per ton, and is - 98,000,000

To this, add the total average value of property annually at risk, in our coasting trade, which cannot be less than, and probably far exceeds - 100,000,000

For the present object, I may be permitted to state the value of the *skill* and *industry* of our seamen to their country at \$500 each, which, for 120,000 seamen, (the unquestionable number,) is - 60,000,000

Making a gross aggregate of - \$398,000,000

Our seamen are also the subjects of annual exposure. The value of this hardy, industrious, and generous race of men is not to be estimated in money. The pride, the hope, and (if you would permit) the bulwark, of this commercial community, are not to be put into the scale against silver and gold, in any moral or political estimate.

Although I have no question of the entire correctness of the foregoing calculation, yet, for the purpose of avoiding every objection which might arise in relation to the value of freight or tonnage, I put out of the question ninety-millions of the estimate, and state the amount of annual maritime exposure at only \$300,000,000. To this, must be added the value of the property on our seaboard—of all the lives of our citizens—and of all the cities and habitations on the coast, exposed to instant insult and violation, from the most contemptible maritime plunderer. No man can think that I am extravagant, if I add, on this account, an amount equal to that annually exposed at sea, and state the whole amount of maritime and sea-coast exposure, in round numbers, at \$600,000,000.

I am aware that this estimate falls short of the reality. I know that the safety of our domestic hearths and our altars, and the security of all the dear and tender objects of affection and duty which surround them, are beyond the reach of pecuniary estimates. But I lay these considerations out of the question, and simply inquire, what is the worth of a rational degree of security in times of war for an amount of property, considering it merely as an interest to be insured at the market rate of the worth of protection. Suppose an individual had a property at risk which in time of peace was subject to so much plunder and insult, and in time of war was liable to be swept away, would he not be deemed unwise, or rather absolutely mad, if he neglected, at the annual sacrifice of one or two, or even three per cent., to obtain for this property a very high degree of security—as high, perhaps as the Divine will permits man to enjoy, in relation to the possessions of this life; which, according to the fixed dispensations of his Providence, are necessarily uncertain and transitory? But suppose that instead of one, two, or three per cent., he could, by the regular annual application of two-thirds of one per cent. upon the whole amount of the property at risk, obtain a security thus high and desirable; to what language of wonder and contempt would such an individual subject himself, who, at so small a sacrifice, would refuse or neglect to obtain so important a blessing! What, then, shall be said of a nation thus neglecting and thus refusing, when it attach not only all the considerations of interest and preservation of property which belong to the individual, but other, and far higher, and more impressive—such as the maintenance of its peace, of its honor, the safety of the lives of its citizens, of its seaboard from devastation, and even, perhaps, of its children and females from massacre or brutal violence! Is there any language of contempt and detestation too strong for such blind infatuation—such palpable improvidence? For, let it be remembered, that two-thirds of one per cent. upon the amount of property thus annually exposed is \$4,000,000; the annual systematic appropriation of which amount would answer all the purposes and hopes of commerce—of your cities and seaboard.

But, perhaps, the greatness of this interest, and our pecuniary ability to protect it, may be made more strikingly apparent by a comparison of our commerce with that of Britain, in the single particular of export. I state, then, as a fact, of which any man may satisfy himself by a reference to McPherson's *Annals of Commerce*, where the tables of British export may be found, that, taking the nine years prior to the war of our Revolution—from 1766 to 1774, inclusive—the total average export of Great Britain was £16,000,000 sterling; equal to \$71,000,000—an amount less, by \$10,000,000, than the present total average export of the United States. And again, taking the nine years beginning with 1789, and ending with 1797, inclusive, the total annual average export of Great Britain was £24,000,000 sterling—equal to \$106,000,000—which is less, by \$2,000,000, than the

total export of the United States in 1807. It is true, that this is the *official value* of the British export, and that the *real value* is somewhat higher—perhaps thirty per cent. This circumstance, although it in a degree diminishes the approximation of the American to the British commerce, in point of amount, does not materially affect the argument. Upon the basis of her commerce, Great Britain maintains a maritime force of 800 or 1,000 vessels of war. And will it be seriously contended, that, upon the basis of a commerce like ours, thus treading upon the heels of British greatness, we are absolutely without the ability of maintaining the security of our seaboard, the safety of our cities, and the unobstructed course of our coasting trade?

By recurring to the permanency of this interest, the folly and madness of this negligence and misplaced meanness—for it does not deserve the name of economy—will be still more distinctly exhibited. If this commerce were the mushroom growth of a night—if it had its vigor from the temporary excitement and the accumulated nutriment which warring elements in Europe had swept from the places of their natural deposite—then, indeed, there might be some excuse for a temporizing policy touching so transitory an interest. But commerce in the Eastern States is of no foreign growth, and of no adventitious seed; its root is of a fibre which almost two centuries have nourished; and the perpetuity of its destiny is written in legible characters, as well in the nature of the country, as in the disposition of its inhabitants. Indeed, sir, look along your whole coast, from Passamaquoddy to Capes Henry and Charles, and behold the deep and far-winding creeks and inlets, the noble basins, the projecting headlands, the majestic rivers; and those sounds and bays, which are more like inland seas, than anything called by those names in other quarters of the globe! Can any man do this, and not realize that the destiny of the people inhabiting such a country is essentially maritime? Can any man do this, without being impressed by the conviction, that, although the poor projects of politicians may embarrass, for a time, the dispositions growing out of the condition of such a country, yet, that nature will be too strong for cobweb regulations, and will vindicate her rights with certain effect—perhaps with awful perils? No nation ever did or ever ought to resist such allurements and invitations to a particular mode of industry. The purposes of Providence relative to the destination of men are to be gathered from the circumstances in which his beneficence has placed them; and to refuse to make use of the means of prosperity which his goodness has put into our hands, what is it but spurning at his bounty, and rejecting the blessings which his infinite wisdom has designated for us, by the very nature of his allotments? The employments of industry, connected with navigation and commercial enterprise, are precious to the people of that quarter of the country, by ancient prejudice, not less than recent profit. The occupation is rendered dear and venerable, by all the cherished associations of our infancy, and all

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the sage and prudential maxims of our ancestors. And, as to the lessons of encouragement, derived from recent experience, what nation, within a similar period, ever received so many that were sweet and salutary? What nation, in so short a time, ever before ascended to such a height of commercial greatness?

It has been said, by some philosophers of the other hemisphere, that Nature, in this New World, had worked by a sublime scale; that our mountains and rivers and lakes were, beyond all comparison, greater than anything the Old World could boast of; that she had here made nothing diminutive, *except its animals*. And ought we not to fear that the bitterness of this sarcasm should be concentrated on our country by a course of policy wholly unworthy of the magnitude and nature of the interests committed to our guardianship? Have we not reason to fear that some future cynic, with an asperity which truth shall make piercing, will declare that all things in the United States are great, *except their statesmen*; and that we are pigmies, to whom Providence has intrusted, for some inscrutable purpose, gigantic labors? Can we deny the justice of such severity of remark, if, instead of adopting a scale of thought and a standard of action proportionate to the greatness of our trust, and the multiplied necessities of the people, we bring to our task the mere measures of professional industry, and mete out contributions for national safety by our feebleness, our yard-sticks, and our gill-pots? Can we refrain from subscribing to the truth of such censure, if we do not rise, in some degree to the height of our obligations, and teach ourselves to conceive, and with the people to realize, the vastness of those relations which are daily springing up among States which are not so much one empire as a congregation of empires?

Having concluded what I intended to suggest, in relation to the nature of the interest to be protected, I proceed to consider the nature of the protection which it is our duty to extend. And here, Mr. Speaker, I am necessitated to make an observation which is so simple and so obvious, that were it not for the arguments urged against the principle of maritime protection, I should have deemed the mere mention of it to require an apology. The remark is this: that rights, in their nature local, can only be maintained where they exist, and not where they do not exist. If you had a field to defend in Georgia, it would be very strange to put up a fence in Massachusetts. And yet, how does this differ from invading Canada, for the purpose of defending our maritime rights? I beg not to be understood, Mr. Speaker, by this remark, as intending to chill the ardor for the Canada expedition. It is very true, that, to possess ourselves of the Canadas, and Nova Scotia, and their dependencies, it would cost these United States, at the least estimate, \$50,000,000; and that Great Britain's national pride, and her pledge of protection to the people of that country, being put out of the question, she would sell you the whole territory for half the money. I make no objection, however, on this account. On the contrary, for

the purposes of the present argument, I may admit that pecuniary calculation ought to be put out of the field, when spirit is to be shown, or honor vindicated. I only design to inquire how our maritime rights are protected by such invasion. Suppose that in every land-project you are successful—suppose both the Canadas, Quebec, Halifax, everything to the North pole, yours by fair conquest—are your rights on the ocean, therefore, secure? Does your flag float afterwards in honor? Are your seamen safe from impressment? Is your course along the highway of nations unobstructed. No one pretends it. No one has or can show, by any logical deduction, or any detail of facts, that the loss of those countries would so compress Great Britain as to induce her to abandon for one hour any of her maritime pretensions. What then results? Why, sir—what is palpable as the day—that maritime rights are only to be maintained by maritime means. This species of protection must be given, or all clamor about maritime rights will be understood, by the people interested in them, to be hollow or false; or (what is worse) an intention to co-operate with the enemies of our commerce in a still further embarrassment of it.

While I am on this point, I cannot refrain from noticing a strange solecism which seems to prevail, touching the term *flag*. It is talked about as though there was something mystical in its very nature—as though a rag, with certain stripes and stars upon it, tied to a stick, and called a *flag*, was a wizard's wand, and entailed security on everything under it, or within its sphere. A flag is the evidence of power. A land flag is the evidence of land power; a maritime flag is the evidence of maritime power. You may have a piece of bunting upon a staff, and call it a *flag*, but, if you have no maritime power to maintain it, you have a name, but no reality; you have the shadow, without the substance; you have the sign of a flag, but in truth, you have no flag.

In considering this subject of maritime protection, I shall recur to the nature and degree of it, and to our capacity to extend it. And there, we are always met, at the very threshold, with this objection: "A naval force requires much time to get it into readiness, and the exigency will be past before the preparation can be completed." This want of foresight, in times past, is made an apology for want of foresight, in the time present. We were unwise, in the beginning, and unwise we resolve to continue, until the end of the chapter. We refuse to do anything until the moment of exigency, and then it is too late. Thus our improvidence is made sponsor for our disinclination. But what is the law of nature and the dictate of wisdom, on this subject? The casualties of life, the accidents to which man is exposed, are the modes established by Providence for his instruction. This is the law of our nature. Hence it is that adversity is said to keep a school, for certain people, who will learn in no other. Hence, too, the poet likens it to "a toad, ugly and venomous, which bears a precious jewel in his head." And, in another place, but with the same general

relation, "out of this thorn danger, we pluck the flower safety." This law is just as relative to nations, as it is to individuals. For, notwithstanding all the vaunting of statesmen, their whole business is to apply an enlarged common sense to the affairs, intrusted to their management. It is as much the duty of the rulers of a State, as it is that of an individual, to learn wisdom from misfortune, and to draw from every particular instance of adversity, those maxims of conduct, by the collection and application of which, our intellectual and moral natures are distinguished and elevated. In all cases of this kind, the inquiry ought to be, is the exigency peculiar, or is it general? Is it one, in which human effort is unavailing, and therefore, requires only the exercise of a resignation and wise submission to the divine will; or is it one which skill, or power, may limit or obviate? On the result of this inquiry our obligations depend. For when man conducts towards a general evil, as though it were peculiar; or when, through ignorance or pusillanimity, he neglects to use the means of relief, or prevention, to the extent in which he possesses them; if he stretches himself out in a stupid languor, and refuses to do anything because he finds he cannot do everything, then indeed all his clamors against the course of nature, or the conduct of others, are but artifices, by which he would conceal from the world, perhaps from himself, the texture of his own guilt. His misfortunes are, in such case, his crimes. Let them proceed from what source they will, he is himself, at least, a hand-worker in the fabric of his own miseries.

Mr. Speaker, can any one contemplate the exigency, which at this day depresses our country, and for one moment, deem it peculiar? The degree of such commercial exigencies may vary, but they must always exist. It is absurd to suppose that such a population as is that of the Atlantic States can be either driven or decoyed from the ocean. It is just as absurd to imagine, that wealth will not invite cupidity; and that weakness will not insure both insult and plunder. The circumstances of our age makes this truth signally impressive. Who does not see, in the conduct of Europe, a general departure from those common principles, which once constituted national morality? What is safe, which power can seize, or ingenuity can circumvent? Or what truths more palpable than these—that there is no safety for national rights, but in the national arm; and that important interests, systematically pursued, must be systematically protected.

Touching the nature and degree of that maritime protection, which it may be wise in this nation to extend to its maritime interests, it seems to me, that our exertions should rather be excited than graduated, by the present exigency; that our duty is to inquire, upon a general scale, what our commercial citizens have, in this respect, a right to claim; and what is the unquestionable obligation of a commercial nation, to so great a class of its interests. For this purpose, my observations will have reference, rather to the principles of the system, than to the provisions of the

bill now under debate. Undoubtedly, an appropriation for the building of ten, or any other additional number of frigates, would be so distinct a manifestation of the intention of the National Legislature to extend to commerce its natural protection, as in itself to outweigh any theoretic preference for a maritime force of higher character. I cannot, therefore, but cordially support an appropriation for a species of protection so important and desirable. Yet in an argument, having relation to the system, rather than to the occasion, I trust, I shall have the indulgence of the House, if my course of reflections should take a wider range than the propositions on the table, and embrace, within the scope of remark, the general principles by which the nature and degree of systematical naval protection should in my judgment be regulated.

Here, it seems hardly necessary to observe, that a main object of all protection is satisfaction to the persons, whose interests are intended to be protected. And to this object a peculiar attention ought to be paid, when it happens that the majority of the rulers of a nation are composed of persons, not immediately concerned in those interests, and not generally suspected of having an overwhelming attachment to them. In such a state of things, it is peculiarly important that the course of conduct adopted should be such as to indicate systematic intention as to the end, and wise adaptation as to the means. For in no other way can that satisfaction of which I speak result; and which is, in a national point of view, at the same time, one of the most important objects of Government, and one of the most certain evidences of its wisdom. For men, interested in protection, will always deem themselves the best judges of the nature of that protection. And as such men can never be content with anything short of efficient protection, according to the nature of the object, so instinct, not less than reason, will instruct them whether the means you employ are, in their nature, real or illusory. Now, in order to know what will give this satisfaction to the persons interested, so desirable both to them and to the nation, it is necessary to know the nature and gradation in value of those interests and to extend protection, not so much with a lavish as with a discriminating and parental hand. If it happen in respect of any interest, as it is acknowledged on all sides it is at present the case with the commercial, that it cannot be protected against all the world to the uttermost of its greatness and dispersion, then the inquiry occurs what branch of this interest is most precious to commercial men, and what is the nature of that protection which will give to it the highest degree of certainty of which its nature is susceptible? It has been by the result of these two inquiries, in my mind, that its opinion has been determined concerning the objects and the degree of protection.

Touching that branch of interest which is most precious to commercial men, it is impossible that there can be any mistake. For however dear the interests of property or of life, exposed upon the ocean, may be to their owners or their friends;

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yet the safety of our altars and of our firesides, of our cities and of our seaboard, must, from the nature of things, be entwined into the affections by ties incomparably more strong and tender. And it happens that both national pride and honor are peculiarly identified with the support of these primary objects of commercial interest.

It is in this view, I state that the first and most important object of the nation ought to be such a naval force as shall give such a degree of rational security, as the nature of the subject admits, to our cities, and seaboard, and coasting trade; that the system of maritime protection ought to rest upon this basis; and that it should not attempt to go further, until these objects are secured. And I have no hesitation to declare, that until such a maritime force be systematically maintained by this nation, it shamefully neglects its most important duties and most critical interests.

With respect to the nature and extent of this naval force, some difference of opinion may arise, according to the view taken of the primary objects of protection. For myself, I consider, that those objects are first to be protected, in the safety of which the national character and happiness are most deeply interested. And these are chiefly concerned, beyond all question, in the preservation of our maritime settlements from pillage and our coast from violence. For this purpose, it is requisite that there should be a ship of war for the harbor of every great city of the United States, equal, in point of force, to the usual grade of ships-of-the-line of the maritime belligerents. These ships might be so instructed as to act singly or together, as circumstances might require. My reason for the selection of this species of force is, that it puts every city and great harbor of the United States in a state of security from the insults, and the inhabitants of your seacoast from the depredation, of any single ship of war of any nation. To these should be added a number of frigates and smaller vessels of war. By such means our coasting trade might be protected, the mouths of our harbors secured (in particular that of the Mississippi) from the buccaneers of the West Indies, and, hereafter perhaps, from those of South America. A system of protection, graduated upon a scale so conformable to the nature of the country, and to the greatness of the commercial interest, would tend to quiet that spirit of jealousy which so naturally and so justly begins to spring up among the States. Those interested in commerce would care little what local influences predominated, or how the ball of power vibrated among our factions, provided an efficient protection of their essential interests, upon systematic principles, was not only secured by the letter of the Constitution, but assured by a spirit pervading every description of their rulers.

But it is said, that "we have not capacity to maintain such a naval force." Is it want of pecuniary or want of physical capacity? In relation to our pecuniary capacity, I will not condescend to add any proof to that plain statement already exhibited, showing that we have an annual commercial exposure, equal to six hundred

millions of dollars, and that two-thirds of one per cent. upon this amount of value, or four millions of dollars, is more than is necessary, if annually and systematically appropriated, for this great object; so anxiously and rightfully desired by your seaboard, and so essential to the honor and obligations of the nation. I will only make a single other statement, by way of illustrating the smallness of the annual appropriations, necessary for the attainment of this important purpose. The annual appropriation of one-sixth of one per cent. on the amount of the value of the whole annual commercial exposure, (one million of dollars,) is sufficient to build in two years, six seventy-four gun ships; and taking the average expense in peace and war, the annual appropriation of the same sum is sufficient to maintain them afterwards, in a condition for efficient service. This objection of pecuniary inability, may be believed in the interior country, where the greatness of the commercial property and all the tender obligations connected with its preservation, are not realized. But, in the cities and in the commercial States, the extent of the national resources is more truly estimated. They know the magnitude of the interests at stake and their essential claim to protection. Why, sir, were we seriously to urge this objection of pecuniary incapacity, to the commercial men of Massachusetts, they would laugh us to scorn. Let me state a single fact. In the year 1745, the State, then the colony of Massachusetts Bay, included a population of 220,000 souls, and yet, in that infant state of the country, it owned a fleet consisting of three ships, one of which carried twenty guns, three snows, one brig, and three sloops; being an aggregate of ten vessels of war. These partook of the dangers, and shared in the glory, of that expedition which terminated with the surrender of Louisburg. Comparing the population, the extent of territory, the capital, and all the other resources of this great nation, with the narrow means of the colony of Massachusetts at that period of its history, it is not extravagant to assert, that the fleet it then possessed, in proportion to its pecuniary resources, was greater than would be, in proportion to the resources of the United States, a fleet of fifty sail-of-the-line and one hundred frigates. With what language of wonder and admiration does that great orator and prince of moral statesmen, Edmund Burke, in his speech for conciliation with America, speak of the commerce and enterprise of that people! "When we speak of the commerce with our colonies, fiction lags after truth; invention is unfruitful, and imagination cold and barren." "No sea but what is vexed with their fisheries. No climate that is not witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dextrous and firm sagacity of English enterprise, ever carried this most perilous mode of hard industry to the extent to which it has been pushed, by this recent people; a people who are still, as it were, but in the gristle and not yet hardened into the bone of manhood." And shall the descendants of

such a people be told that their commercial rights are not worth defending, that the national arm is not equal to their protection? And this too, after the lapse of almost forty years has added an extent to their commerce beyond all parallel in history, and after the strength and resources associated to protect them exceed, in point of population, seven millions of souls, possessing a real and personal capital, absolutely incalculable?

Our pecuniary capacity, then, is unquestionable; but it is said we are deficient in physical power. It is strange that those who urge this objection, assert it only as it respects Great Britain, and admit, either expressly, or by implication, (indeed, they cannot deny,) that it is within our physical capacity to maintain our maritime rights against every other nation. Now, let it be granted that we have such an utter incapacity in relation to the British naval power; grant that at the nod of that nation, we must abandon the ocean to the very mouths of our harbors, nay, our harbors themselves. What then? Does it follow that a naval force is useless? Because we must submit to have our rights plundered by one Power, does it follow that we must be tame and submissive to every other? Look at the fact. We have, within these ten years, lost more property by the plunder of the minor naval Powers of Europe, France included, than would have been enough to have built and maintained twice the number of ships, sufficient for our protection against their depredations. I cannot exceed the fact, when I state the loss within that period, by those Powers, at thirty millions of dollars. Our capacity to defend our commerce against every one of these Powers is undeniable. Because we cannot maintain our rights against the strong, shall we bear insult and invite plunder from the weak? Because there is one leviathan in the ocean, shall every shark satiate his maw on our fatness with impunity?

But, let us examine this doctrine of utter inability to maintain our maritime rights against Great Britain, so obtrusively and vehemently maintained by some who clamor the most violently against her insults and injuries. If the project were to maintain our maritime rights against that mistress of the sea by convoys spread over every ocean, there would, indeed, be something ludicrously fanciful and wild in the proposition. But nothing like this is either proposed or desired. The humility of commercial hope, in reference to that nation, rises no higher than the protection of our harbors and the security of our coasts and coasting trade. Is it possible that such a power as this shall be denied to exist in this nation? If it exist, is it possible that its exercise shall be withheld?

Look at the present state of our harbors and seacoast. See their exposure, I will not say to the fleets of Great Britain, but to any single ship-of-the-line, to any single frigate, to any sloop of war. It is true the policy of that nation induces her to regard your prohibitory laws, and her ships now seldom visit your ports. But suppose her policy should change; suppose any one of her ships of war should choose to burn any of the

numerous settlements upon your seacoast, or to plunder the inhabitants of it; would there not be some security to those exposed citizens, if a naval force were lying in every great harbor of the United States competent to protect or avenge the aggression of any single ship of war, of whatever force? Would not the knowledge of its existence teach the naval commanders of that nation both caution and respect? Sir, it is worthy of this nation, and fully within its capacity to maintain such a force. Not a single Sea Bull should put his head over our acknowledged water line without finding a power sufficient to take him by the horns.

But it is said that "in case of actual war with Great Britain, our ships would be useless. She would come and take them." In reply to this objection, I shall not recur to those details of circumstances, already so frequently stated, which would give our ships of war fighting on their own coasts, and in the proximity of relief and supply, so many advantages over the ships of a nation obliged to come three thousand miles to the combat. But allowing this argument from British naval superiority its full force, I ask, What is that temper on which a nation can most safely rely in the day of trial? Is it that which takes counsel of fear, or that which listens only to the suggestions of duty? Is it that which magnifies all the real dangers until hope and exertion are paralyzed in their first germinations? Or is it that which dares to attempt noble ends by appropriate means; which, wisely weighing the nature of any anticipated exigency, prepares according to its powers, resolved that whatever else it may want, to itself it will never be wanting? Grant all that is said concerning British naval superiority in the event of war, has comparative weakness nothing to hope from opportunity? Are not the circumstances in which this country and Great Britain would be placed, relative to naval combats upon our own coast, of a nature to strengthen the hope of such an opportunity? Is it of no worth to a nation to be in a condition to avail itself of conjunctures and occurrences? Mr. Speaker, preparation in such cases is everything. All history is replete with the truth that the "battle is not always to the strong, but that time and chance happen to all." Suppose that Great Britain should send twelve seventy-fours to burn our cities or lay waste our coasts; might not such a naval force be dispersed by storms, diminished by shipwrecks, or delayed and weakened by the events of the voyage? In such case, would it be nothing to have even half that number of line-of-battle-ships, in a state of vigorous preparation, ready to take the advantage of so probable a circumstance, and so providential an interposition? The adage of our school books is as true in relation to States as to men in common life, "Heaven helps those who help themselves." It is almost a law of nature. God grants everything to wisdom and virtue. He denies everything to folly and baseness. But suppose the worst. Grant that in a battle such as our brave seamen would fight in defence of their country, our naval force be vanquished. What

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then? Did enemies ever plunder or violate more fiercely when weakened and crippled by the effects of a hard-bought victory, than when flushed, their veins full, they rush upon their prey with cupid-ity stimulated by contempt? Did any foe ever grant to pusillanimity what it would have denied to prowess? To be conquered is not always to be disgraced. The heroes who shall perish in such combats, shall not fall in vain for their country. Their blood will be the most precious, as well as the strongest cement of our Union. What is it that constitutes the moral tie of our nation? Is it that paper contract called the Constitution? Why is it that the man of Virginia, the man of Carolina, and the man of Massachusetts, are dearer to each other than is, to either, the man of South America or the West Indies? Locality has little to do with implanting this inherent feeling, and personal acquaintance less. Whence, then, does it result, but from that moral sentiment which pervades all, and is precious to all, of having shared common dangers for the attainment of common blessings. The strong ties of every people are those which spring from the heart and twine through the affections. The family compact of the States has this for its basis, that their heroes have mingled their blood in the same contests; that all have a common right in their glory; that, if I may be allowed the expression, in the temple of patriotism all have the same worship.

But it is inquired, "what effect will this policy have upon the present exigency?" I answer, the happiest in every respect. To exhibit a definitive intent to maintain maritime rights, by maritime means, what is it, but to develop new stamina of national character? No nation can or has a right to hope respect from others, which does not first learn to respect itself. And how is this to be attained? By a course of conduct, conformable to its duties and relative to its condition. If it abandons what it ought to defend, if it flies from the field it is bound to maintain, how can it hope for honor? To what other inheritance is it entitled, but disgrace? Foreign nations undoubtedly look upon this Union with eyes long read in the history of man; and with thoughts deeply versed in the effects of passion and interest upon independent States, associated by ties so apparently slight and novel. They understand well, that the rivalries among the great interests of such States; the natural envyings, which in all countries spring between agriculture, commerce, and manufactures; the inevitable jealousies and fears of each other, of South and North, interior and seaboard; the incipient or progressive rancor of party animosity; are the essential weaknesses of sovereignties thus combined. Whether these causes shall operate, or whether they shall cease, foreign nations will gather from the features of our policy. They cannot believe that such a nation is strong in the affections of its associated parts, when they see the vital interests of whole States abandoned. But reverse this policy; show a definitive and stable intent to yield the natural protection to such essential interests; then they

will respect you. And to powerful nations honor comes attended by safety.

Mr. Speaker—What is national disgrace? Of what stuff is it composed? is a nation disgraced because its flag is insulted; because its seamen are impressed; because its course, upon the highway of the ocean, is obstructed? No, sir. Abstractedly considered, all this is not disgrace. Because all this may happen to a nation, so weak as not to be able to maintain the dignity of its flag, or the freedom of its citizens, or the safety of its course. Natural weakness is never disgrace. But, sir, this is disgrace: when we submit to insult, and to injury, which we have the power to prevent or redress. Its essential constituents are want of sense or want of spirit. When a nation with ample means for its defence, is so thick in the brain, as not to put them into a suitable state of preparation; or, when, with a sufficient muscular force, it is so tame in spirit as to seek safety not in manly effort but in retirement; then a nation is disgraced; then it shrinks from its high and sovereign character, into that of the tribe of Issachar, crouching down between two burdens—the French burden on the one side, and the British burden on the other—so dull, so lifeless, so stupid, that, were it not for its braying, it could not be distinguished from the clod of the valley.

It is impossible for European nations not to know, that we are the second commercial country in the world; that we have more than seven millions of people; with less annual expenditure, and more unpledged sources of revenue, than any nation of the civilized world. Yet a nation thus distinguished, abounding in wealth, in enterprise, and in power, is seen flying away from the "unprofitable contest," abandoning the field of controversy; taking refuge behind its own doors, and softening the rigors of oppression abroad, by a comparison, with worse torments, at home. Ought such a nation to ask for respect? Is there any other mode of relief from this depth of disgrace, than by a change of national conduct and character?

With respect to Great Britain, it seems impossible that such a change in our policy should not be auspicious. No nation ever did, or ever can conduct towards one that is true, in the same way as it conducts towards one that is false to all its obligations. Clear conceptions of interest and faithful fulfilment of duty, as certainly insure, sooner or later, honor and safety, as blindness to interest and abandonment of duty do assuredly entail disgrace and embarrassment. In relation to the principle which regulates the commercial conduct of Great Britain towards the United States, there is much scope for diversity of opinion. Perhaps those judge most truly who do not attribute to her any very distinct or uniform system of action in relation to us; but who deem her course to result from views of temporary expediency growing out of the circumstances of the time, and the character of our Administration. If this be the case, then, whatever course of conduct has a tendency to show a change in the character of the American policy, must produce

a proportionate change in that of the British. And if tameness and systematic abandonment of our commercial rights have had the effect to bring upon us so many miseries, a contrary course of conduct, having for its basis a wise spirit and systematic naval support, it may well be hoped will have the opposite effect of renewing our prosperity. But if it be true, as is so frequently and so confidently asserted, that Great Britain is jealous of our commercial greatness; if it be true that she would depress us as rivals; if she begins to regard us as a Power which may soon curb, if not in aftertimes spurn her proud control on her favorite element, then indeed she may be disposed to quench the ardor of our naval enterprise; then indeed, it may be her care so to shape the course of her policy as to deprive our commerce of all hope of its natural protection; and to co-operate with and cherish such an Administration in this country, as hates a naval force and loves commercial restriction. In this view of her policy; and I am far from asserting it is not correct, is it not obvious, that she may be content with the present condition of our commerce? Except acknowledged colonial vassalage, what state of things would be more desirable to her? The whole sea is her own. Her American rival tamely makes cession of it to her possession. Our commercial capital is already seeking employment in her cities; and our seamen in her ships. What then results? Is it not on this view of her policy, undeniable that an Administration in this country, for the purposes of Great Britain, is such as thinks commerce not worth having, or not worth defending; such as in every scheme of nominal protection, meditates to it nothing, but additional embarrassment and eventual abandonment? Must not such an Administration be convenient to a British Ministry, if such be British policy? And if British Ministers should ever find such an Administration in this country, made to their hands, may we not anticipate that they will take care to manage with a view to its continuance in power? Of all policy the most ominous to British ascendancy is that of a systematic maritime defence of our maritime rights.

The general effect of the policy I advocate, is to produce confidence at home and respect abroad. These are twin shoots from the same stock, and never fail to flourish or fade together. Confidence is a plant of no mushroom growth and of no artificial texture. It springs only from sage counsels and generous endeavors. The protection you extend must be efficient and suited to the nature of the object you profess to maintain. If it be neither adequate nor appropriate, your wisdom may be doubted, your motives may be distrusted, but in vain you expect confidence. The inhabitants of the seaboard will inquire of their own senses and not of your logic, concerning the reality of their protection.

As to respect abroad, what course can be more certain to insure it? What object more honorable, what more dignified than to behold a great nation pursuing wise ends by appropriate means; rising to adopt a series of systematic exertions,

suited to her power, and adequate to her purposes? What object more consolatory to the friends—what more paralyzing to the enemies of our Union—than to behold the natural jealousies and rivalries, which are the acknowledged dangers of our political condition, subsiding or sacrificing? What sight more exhilarating than to see this great nation once more walking forth among the nations of the earth, under the protection of no foreign shield? Peaceful because powerful—powerful because united in interests, and amalgamated by concentration of those interests in the national affections.

But, let the opposite policy prevail; let the essential interests of the great component parts of this Union find no protection under the national arm—instead of safety let them realize oppression, and the seeds of discord and dissolution are inevitably sown in a soil the best fitted for their root, and affording the richest nourishment for their expansion. It may be a long time before they ripen. But, sooner or later, they will assuredly burst forth in all their destructive energies. In the intermediate period, what aspect does a Union, thus destitute of cement, present? Is it that of a nation keen to discern, and strong to resist, violations of its sovereignty? It has rather the appearance of a casual collection of semi-barbarous clans, with the forms of civilization, and with the rude and rending passions of the savage state. In truth, powerful—yet, as to any foreign effect, imbecile—rich, in the goods of fortune, yet wanting that inherent spirit without which a nation is poor indeed; their strength exhausted by struggles for local power; their moral sense debased by low intrigues for personal popularity, or temporary pre-eminence; all their thoughts turned not to the safety of the State, but to the elevation of a chieftain. A people presenting such an aspect, what have they to expect abroad? What but pillage, insult, and scorn?

The choice is before us. Persist in refusing efficient maritime protection; persist in the system of commercial restrictions; what now is, perhaps, anticipation, will hereafter be history.

Mr. FISK said that, when this subject was first presented to the House, he felt inclined to vote for a small increase of the Naval Establishment; but it now appears that, what is asked for is considered only as laying a foundation for a great system—a system which, he feared, if carried into execution, might change the Government.

Mr. F. contended that the Navy never had, and never could protect our commerce. Like standing armies, he considered navies as dangerous to liberty. As to the Constitutional provision, with respect to a navy, it is nothing more than a mere grant of power, which Congress is at liberty to use or not, as they may deem it necessary or expedient.

Though he had listened with candor to all the arguments which had been used in favor of an increase of this Establishment at the present time, he was far from being convinced that such an increase, at present, is either necessary or expedient. It appeared to him that every nation which has embarked, to any extent, in Navy Es-

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tablishments, has been eventually crushed by them. Whether you go back to ancient, or look upon modern Europe, you will find navies have not afforded that protection which gentlemen are desirous of persuading the House they are capable of affording. Has the navy of Russia protected her commerce? There are in the Russian dominions from twenty-five to thirty millions of people; but, by every account we have of them, their situation is not very enviable; nor have they any great degree of commerce to protect. Where are the navies of Sweden and Denmark? The latter, it is well known, were swept away and destroyed by the British fleet; and the fleet of Sweden serves only to keep the country in poverty to maintain it. A navy looks pretty well in theory; but look into the experience of nations, and it will be found to have been the bane of every country which has had any thing to do with it. We should want wisdom, therefore, to pursue a system which has proved so ruinous to others.

With respect to Great Britain herself, it had been said that her navy had been the basis of her wealth and prosperity. Mr. F. said he did not envy the situation of that country. The glory and honor which such nations are in the habit of acquiring, prove a curse to them in the end by enslaving them with expense.

When the House was engaged in the army bill, it was said that the necessary number of men could not be got; that it was not in this country, as in Europe, where thousands of men enter into the land and sea service because they are destitute of employment or of any means of getting bread; here, every man, who will labor, can procure a living without difficulty.

If men cannot be gotten for the Army, how are they to be procured for the Navy? He should apprehend impressment, or something like it. Look, said Mr. F., at the debt of Great Britain—look at her taxes—everything pays a duty—even the light of Heaven is not passed by without being made to yield supplies to her revenue. So heavy do these taxes bear upon the people, it is said that one-seventh part of the whole of the inhabitants are paupers. These are some of the fruits of a navy!

As to the protection and encouragement of commerce, he believed commerce would always flourish best when left to itself unshackled by regulations. It will then be carried to every part of the globe. In the course of the debate, it had been said that the exports of Great Britain, in 1797, were not greater than ours before our commerce was restricted, though that nation had possessed a navy which had triumphed on the ocean for half a century. How did this happen? It was owing, said Mr. F., to the freedom of our commerce.

Gentlemen ask, if marching to Canada will protect our commerce? Where do gentlemen wish protection? Not in our ports and harbors; they are already protected. He asked, if any attempt had ever been made to bombard our cities, or to enter our ports and harbors? Or is it probable any such attempt will be made?

Gentlemen say, that Great Britain will run great risks in sending vessels on our shore. If so, why build ships to meet them? He thought the destruction of Copenhagen ought to warn us against going into a scheme of this kind.

If he were asked how he would protect commerce, he would answer, by marching to Canada, and taking that country and Nova Scotia; and, having got possession of Halifax, she would have no means of refitting her vessels in this country, in case of that damage to which they are so liable on our coast.

But it has been said that, except we take this course, we shall be considered by the Governments abroad, as wanting a proper degree of spirit to defend our rights. There has never been wanting a disposition in this House, or in the nation, to defend our rights to the utmost.

The gentleman from Massachusetts (Mr. QUINCY) had spoken of the naval force formerly possessed by Massachusetts. But, what security did those ships afford? They were of no use, as he believed; they were nothing but a heavy expense to the State; and he believed the merchants had found their commerce in a much better state since, than it was when they were in being.

Gentlemen speak of the embarrassments of our commerce, as if they were owing to our not having a navy; but, if they will look around, they will find that those countries which have navies have not escaped; our embarrassments have arisen from the wrongs committed against us by other nations, which we had no power of preventing.

It had been shown that the Navy Establishment proposed could not be supported but by an expense which would prove ruinous to this country. Rather than incur this expense, he was willing to dispense with the honor supposed to be attached to such an Establishment. Mr. F. was opposed to this system, too, because it could not be supported without having recourse to a force similar to impressment to obtain a number of seamen sufficient to man such a fleet. He was anxious to protect every part of the Union; but he could not consent to support any scheme so pregnant with mischief to the country, as he considered this large Navy Establishment to be.

Mr. McKee said, he with reluctance presented himself before the House a second time on this question: he had given his views of it in the Committee of the Whole, and he only rose to relieve some of his opinions from the misconstruction to which they had been subjected in the progress of the discussion.

Gentleman have congratulated the House on account of the conciliatory temper and spirit with which this discussion was conducted; he was concerned that he could not unite in those congratulations, because that portion of the House with whom he was associated on this question had been accused of an adherence to their prejudices and of a total disregard of the admonitions of reason and common sense. These suggestions charged that portion of the House opposed to an increase of the navy with a want of wisdom to perceive, or with a want of honesty to pursue, the

means of promoting the general welfare, and were therefore rather rude than conciliatory to him.

He had stated it to the committee, as his opinion, that the establishment of a large navy would change, in the progress of time, the present form of this government. The House has been informed that this statement was mere assertion, unsupported by argument or even an effort to prove that we could not create and support a large marine without difficulty or danger. In support of the opinion he then expressed, which he had not seen any reason to change, he had submitted to the House a statement of the probable expenses of the Government in the succeeding years, including the expenses of the proposed navy. If those statements were substantially correct (and he had not heard them questioned) they prove the fact, that a war of five years duration with a navy would increase the public debt from forty-five millions of dollars, the present amount, to upwards of an hundred and fifteen millions; and would likewise increase the expenses of the Government on the return of peace to upwards of eighteen millions per annum. From those facts the conclusions were drawn which appeared to him very naturally to follow, that permanent internal taxes in times of peace as well as war would be rendered necessary; and even with the aid of internal taxes to the amount of four millions of dollars per annum, your public debt would be gradually increasing. He had also stated the revenue of the country, under the existing Constitution, with the intention of showing the difficulty of meeting so large an expenditure. This statement, so far as it had been noticed, was met by a statement that the public lands as a source of revenue were worth twelve hundred millions of dollars, and that the revenue arising from commerce might amount to eighteen or twenty millions per annum. He confessed he did not understand the arithmetic by whose magic these results were produced. The first was to him evidently incorrect and the second seemed also incorrect; our revenue for the last ten years (the most prosperous period of our history) had averaged about twelve millions of dollars per annum, and the world was evidently more hostile to commerce now than it had been for the last ten years. No reasonable calculation could therefore be made on a revenue from imposts and tonnage for the succeeding ten years, exceeding in amount the receipts of the past ten years, and admitting the revenue to be equal to that we had received, the taxes would be rendered permanent to the amount of upwards of six millions of dollars per annum in order to pay the current expenditure: you will then have a large public debt with permanent and heavy internal taxes, and this is the soil which produces aristocracy in every country; and here, the debt furnishes to moneyed men the facility of increasing their wealth without ingenuity, industry, or care. Ten thousand dollars vested in the public funds, by converting the interest into principal at the respective periods when the interest falls due, in twenty years would amount to more than forty

thousand dollars. In the meantime the constant drains of money wrung from the hands of the great body of the people by heavy internal taxes would keep them poor. The wealth of the country would be gradually assembled in the hands of a few; and wealth is the strong basis of power everywhere. Consequently the power of the country would be concentrated in the hands of a few, who would apply your navy to maintain and support the wealthy and well-born in the possession of this power.

But we are told by gentlemen that this is mere assertion; the product of a mind frightened by hobgoblins and bugbears, and laboring under the influence of prejudice. If gentlemen were correct, it would be a gratification to him to find his apprehensions dissipated by experience. But what does the experience of other nations prove? England, the bright example always quoted—whose political dogmas we affect to despise, but in whose paths we seem now to be treading with undeviating steps as fast as the moments run—England once had no public navy, and then too she had no public debt. She also had a Parliament the real representatives of the British nation who dared to resist the corruptions of the times and the encroachments of the Crown. But England was then vexed with the Spanish Armada and the Dutch fleets, which rode triumphantly in the English channel with a broom at the mast-head.

England commenced ship-building on national account and borrowing money on the same account. Her navy too, when small, was loaded with the imputations of "wasteful expense and comparative inefficiency." It was increased because "it was demonstrably clear that she was destined to be a great naval power;" her debt also increased *pari passu* (as the diplomatists would say) with her navy.

The British Navy now is the most splendid fabric of human power the world ever witnessed; her debt is equally great and splendid; the wretchedness and misery of the great mass of her people bears a full proportion to the debt and navy; her Parliament also is highly celebrated for its venality and compliance. The man who knows the views and wishes of the English Ministry, without farther inquiry, thereby knows the opinion of a majority of Parliament.

Create the causes and the consequences will follow—man is substantially the same everywhere; here a little more civilized and there a little more savage; but God and nature for wise purposes have implanted in every human bosom the same original desires; and love of wealth, of fame, and of power, create the means of their gratification on a large scale, and you give them activity—an activity fired with ambition and fraught with ruin to the peace of society.

Gentlemen had exultingly called on those opposed to an increase of the Navy, to show how commerce could be protected without a Navy. He had supposed it to be the duty of those who advocated a system attended with immense expense to show the good to society resulting from the

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expenditure, and if the advantages arising therefrom were not clearly demonstrated and shown to bear some proportion to the expenditure, their patronage could not be expected. But how has this been shown? you are informed that navies are necessary for the protection of commerce; but has it been shown by any process of reasoning, that the twelve ships-of-the-line and thirty frigates contemplated, when built, would enable you to convey the productions of your soil from the ports of the United States in safety to Havre or Hamburg, or to any port in the Baltic or Mediterranean? Certainly this has not been attempted. The additional security supposed to be afforded to your ports and harbors by the Navy, is all that has been attempted to be shown; your ports and harbors heretofore have been thought well secured by fortifications; but it is now for the first time discovered, that your fortifications are of but little or no use. How unfortunate it is that this discovery had not been made before the Government had expended near \$7,000,000 on that object, and that the discovery has been delayed to this time, when you are officially informed that the fortifications are nearly completed.

You are also told that the proposed navy would be sufficient to maintain the mastery in the American seas, particularly as far as the Gulf Stream, and in order to substantiate this position, you are informed that the British navy is stripped up into small squadrons and stationed at different places; part in the English channel, part at the Elbe, part in the Mediterranean, part in the East India, West India, Jamaica, and North American stations. Much labor is used to prove that this distribution of the naval force of England could not be altered in case of a war with this country, and that we are so far removed from Europe, where a fleet destined to act against us must receive its outfit, that three times the quantity of force possessed by us would be necessary to produce any effect on us.

Without hoping to expose the fallacy of this argument, by a recurrence to our own experience during the Revolutionary war, when England was contending for the British channel against the fleets of France and Spain, she then spared a fleet of sufficient magnitude to beat double the force now contemplated. He would ask what protection commerce would receive from this supposed mastery in the American seas? It is said that England cannot spare the force necessary to meet you in the American seas. Be it so, and consequently she will send none. But she can say to you in practice, you shall not go to the West Indies or to Europe, if you do, I will capture your vessels; and where then is your commerce which is to receive protection? it is annihilated; and the arguments of gentlemen, if correct, did prove incontrovertibly that your naval force must be more than equal to that of Great Britain to unlock the European ports to your commerce. Is this an incorrect view of the subject, and the consequences attendant thereon? If it was, he was unable to perceive in what it was incorrect, and if it is correct, it necessarily

follows, that you must have a navy competent to meet the British navy in equal combat on the ocean, to effect any valuable result in favor of your commerce, and this is not contemplated.

But the gentlemen have expressed much solicitude for the commerce of the Mississippi, lest its mouth should be blocked up by a single ship of war of the enemy; and the sensibility expressed when the right of deposit at New Orleans was withheld from the Western people, in 1802, is cited as an evidence of the feelings which such an occurrence would excite. The objects of those arguments were easily perceived; and they were, in his opinion, utterly fallacious. It required only a moment's reflection to perceive that a war with any maritime nation who happened to hold the West Indies, would annihilate the commerce of the Mississippi during its continuance; and the arguments of gentlemen just referred to, if they proved anything, supported his opinion. The substance of these arguments is already recited; that the remote situation of England from our coast, the difficulty of maintaining a fleet for any length of time hovering on a hostile coast, gives to our fleet, aided by a friendly coast, furnishing ports and harbors for their protection and aid in time of danger, an advantage over an enemy of three to one. Be it so, and how does the argument stand, when applied either to Europe or the West Indies? As it relates to Europe, it has already been shown that the argument operates against you in the same proportion, or nearly so, that it operates in your favor in relation to the American coast, and in the West Indies. England possesses, for all commercial purposes, and he might say for all the purposes of annoyance to your commerce, all the West Indies, with the exception of St. Domingo and two other inconsiderable islands. The commerce of the Mississippi must necessarily pass near the Havana and double Cape Florida—all in the hands of the enemy—to reach the Atlantic ports; and yet gentlemen talk of protecting this commerce during the war. The whole argument of gentlemen is founded on the supposition that your twelve ships-of-the-line and twenty frigates will always act together in one body against the separate squadrons of the enemy; this is manifestly absurd; and as your navy, if built, will be at the common expense of the whole community, it ought to be stationed at different stations for the common defence. The United States seem to be naturally divided into six stations, to wit: Boston, New York, the Delaware, Chesapeake, Charleston, and the Balize stations; divide out the navy to those stations respectively, and you will have two ships-of-the-line and five frigates to each station. Send your two ships-of-the-line and five or six frigates to the Gulf of Mexico, to protect the trade of the Mississippi, where there is not a single harbor for their reception; and unless the same supernatural hand which saved Daniel of old from the teeth of the lions, when he was cast into their den, is stretched forth for the protection of your naval force sent there, in six weeks after it arrives at

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the place of destination, its flag will be changed. But admit your two ships-of-the-line and five frigates competent to guard in safety the productions of the country, watered by the Mississippi, from New Orleans to the Atlantic ports, where is the benefit resulting therefrom, when every man who knows anything of nature and the character of the commerce of the Mississippi, must be uncandid if he does not acknowledge that in time of war the productions of the Mississippi in general would not pay freight to the Atlantic market.

Mr. McK. said he pretended to have some practical knowledge of the commerce of the Mississippi, and he unhesitatingly declared that a war with any maritime nation holding the control of the West India islands would annihilate all legitimate trade from New Orleans during its continuance; an illegal or licensed trade perhaps might be carried on to a small amount, and it would not require protection.

Gentlemen seemed to be enamoured with the superior protection (as it is called) afforded to the persons and property of other nations on the high seas. This superior protection was desirable; it was highly appreciated by the Governments of Europe. But the picture had two sides; and he desired gentlemen to look at both. The persons and property of the subjects of the Governments of Europe are said to ride in safety on the ocean beneath the triumphant banners of their country. And as a compensation for this protection (which was far from being complete) the sighs of the oppressed ascended to Heaven, from every corner of Europe, in secret or open curses against their oppressors. It was due to candor to admit that the griefs of Europe were not altogether owing to navies. And it was also worthy of remark that the people of every nation in Europe had been more or less oppressed with taxes and debt in proportion to the extent of their navy; create the cause, and the consequences will follow.

The gentleman from Maryland (Mr. WRIGHT) had said that what might be wrong in 1798, might be perfectly prudent and right now. He admitted there was a time for all things; but the principle in politics or theology certainly could not be very stubborn that was wrong in 1798 and perfectly right now; and if any change in this respect had taken place, it must consist in the greater fitness of the means to effect certain desirable ends. In 1798 American commerce was most shamefully plundered by both France and England. At that time Spain, France, and England had large navies—Holland and Denmark had ships of war; a navy of twelve ships of the line and twenty frigates on the part of the United States by uniting with the fleets of France and Spain, would have been able to have coped with England on the ocean; and in case of a war with France, a similar result could have been effected against the fleets of France and Spain; but the condition of Europe in this respect was materially changed, and not for the better as it regards us. He had no disposition, however, to censure the opinions of any gentlemen or their arguments, on account of their great similarity to

the opinions and arguments used in support of them in 1798. It was certainly proper to consider all questions coming before the House on their intrinsic merit, without much regard to former opinions; and, therefore, he did not mean to say to the gentleman that he had gone over to the enemy's camp.

But suppose your navy of twelve ships-of-the-line, and twenty frigates had been built in 1798, and maintained ever since—would it have rendered your commerce more prosperous than it has been since that period? He did not believe any man would assume such a position, inasmuch as our commerce since 1798 had been more prosperous than was or could have been foreseen; and if the navy had been then built, the national debt would now be near one hundred and forty-six millions of dollars, instead of forty-six millions, the present amount; and he entertained no doubt but that the good consequences resulting from a rejection of the navy project at this time, would be seen as clearly and as thoroughly felt fourteen years hence, as the good effects of its rejection in 1798 was now perceived and felt.

With regard to the effects which it is supposed the navy would produce on England in time of war, he thought those effects much overrated. He was, however, willing to see what could be done with the present navy, which amounted to between sixteen and twenty in number, exclusive of gun vessels. If thirty fast sailing frigates would produce the wide-spread ruin on British commerce in time of war, of which gentlemen have spoken, twenty frigates would produce two-thirds of these effects. He desired to see what could be done in the first place with our present force; and if the result was proportionate to the expectations which seem to be entertained, the nation would be willing to increase the naval force. But at the present time, when we were incurring immense expenses, it did not seem prudent to him to increase those expenses by a project of this kind—the proposed war would not be a war of great battles, but rather a war of means; England would make the war as expensive to us as possible, and if we sat out with expenses so extravagant, the war might terminate unfavorably.

The House adjourned without taking the question.

MONDAY, January 27.

Mr. BACON, from the Committee of Ways and Means, presented a bill making appropriations for the support of Government, for the year 1812; which was read twice, and committed to a Committee of the Whole on Wednesday next.

Mr. SEYBERT said, that when he considered it his duty to take up the subject of the Navy, he had occasion to look into the expenses of that establishment, and especially into the expenses of the navy yard in this city; and from examining the account lately laid before this House by the Secretary of the Navy, of the expenses of 1810, he was induced to offer the following resolution:

Resolved, That the Secretary of the Navy be di-

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rected to lay before this House a statement of the expenditures of public moneys in the navy yard of the City of Washington, during the past year, distinguishing the value of the materials used for repairs, the labor bestowed, and the nature of the work performed, the number of officers, overseers, and workmen, together with their pay and duty.

Mr. BASSETT hoped the gentleman from Pennsylvania would have no objection to add the navy yard of Philadelphia to the resolution.

Mr. SEYBERT declared he would not; and on suggestion of Mr. D. R. WILLIAMS, the resolution was so modified as to embrace all the navy yards, and then agreed to.

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The House then took up the order of the day, viz: the bill concerning the Navy. The question of agreement to the report of the Committee of the Whole to strike out the section for building new frigates being still under consideration—

Mr. BIBB said, that indisposed as he was, had he obeyed the impulse of his feelings, he should not then have risen from his seat. He did not know indeed that he should be able to present his view of the subject to the House, nor (should he be so fortunate) did he expect it would influence the decision of the question. But as the opponents to the bill had been identified with the enemies of commerce, and as he was one of the number, he could not quietly submit to an inference so totally unsupported—so totally unfounded. The people, said Mr. B., whom I represent are as much interested in commerce, in proportion to their numbers, as those of any section of the Union, and would be as unwilling to abandon it. Are we to be told that because the principal part of the American tonnage belongs to the Northern and Eastern States, they have a greater stake in commerce than the Southern? Unquestionably not. The annual surplus products of the planter and farmer are the foundation of commerce, and their value depends on the demand for them and the facility with which they may be conveyed to market. The ship-owners are concerned only to the extent of their profits arising from transportation and other incidental circumstances. It is, therefore, obvious that if commerce be suspended, the agriculturists, who furnish the articles to be transported abroad, sustain a loss so much greater than that of the ship-owners as the value of those articles is superior to the profits of conveyance to a foreign market. The carrier loses his freight—the farmer and planter their products. On looking at the amount in value of our domestic exports, it will be perceived that nearly one-fourth is furnished by a part of the Southern States in the article of cotton alone—a proportion which is not furnished by an equal population in any other portion of the country. My object is not to draw invidious distinctions, but to show the extreme importance of commerce to the prosperity of the South, and consequently the interest we have in its protection. Sir, there exists no indisposition to protect commerce—the only difference of opinion is in reference to the extent to which the protecting powers of the Government should

be carried, and the means which are best calculated to effect the object.

Had the advocates for a navy been as successful in enforcing conviction of its necessity or efficacy in the protection of trade, or in defending the rights of the nation, as they were in displaying their ingenuity and talents, I should not have addressed you on the subject. I would have concurred with them in the proposed measure. But while I admire the zeal they have manifested, and the ability and eloquence with which they have defended their favorite project, my judgment has not been convinced, nor have I ceased to lament the discussion in which we are engaged. At a moment when a solemn pledge has been given to the nation of a determination on the part of this House to wage war with England—when the mode of warfare and points of attack have been selected with reference to our own strength, and to the weakness of the enemy—when it is acknowledged that to prosecute such a war will require all the resources of the Government—when to devise a system for obtaining money by loans and taxes, the financial talents of the distinguished officer who presides over your Treasury Department have been called into requisition—I say, sir, under such circumstances, it does appear to me unfortunate indeed, that the attention of Congress should be diverted from the objects for which they were assembled at an earlier period than usual, and, what is worse, that instead of providing the ways and means which will be indispensable, we should be hunting up objects for further expenditures. If the ten frigates which it is proposed now to build, could be in readiness for immediate service, the proposition would certainly be less objectionable. But it is admitted that no such expectation is entertained—that the expenditure we are called upon to authorize, is not for the war establishment, but for future purposes. What says the report of the committee on this subject? After stating the injuries to which we are liable on the ocean, the committee remark, that “it may be necessary to array the national force on that element where the injury may be suffered, and where alone it can be avenged or redressed. With this view your committee have not considered this subject with regard only to practicable and advisable preparation for the present momentous crisis, which, whatever it may be, must be greatly inadequate; but the object of the committee is to recommend a system which shall look to futurity,” &c.

It appears then that the appropriation of money which is demanded, will be applied to a system which shall look to futurity, and which if it should be now executed to the extent required by the report, would be “greatly inadequate” to its object. And is this the proper time to expend millions for futurity, when you are about to appeal to the patriotism of the people for the means which are indispensable to immediate purposes? To my mind, the present is the most inauspicious moment which could have been selected for increasing the Naval Establishment. An attempt to build a navy on the eve of war by loans and taxes

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when the people are without a market for their surplus products, is an extraordinary and unparalleled undertaking. I will not call it "ludicrous." Although such a character has been attributed to the opposition on this occasion, it cannot be applied to the bill before you. The project of my friend from South Carolina (Mr. CHEVES) will certainly escape an imputation of that sort, and yet it may acquire a reputation which will not be more consoling to his feelings than that which has fallen to our lot. No, sir, if this bill shall pass, it will not be considered "ludicrous"—it will not excite the laughter of the people. But unless I am much mistaken their murmurs will be heard, and their discontent will be felt. I rely as much on the patriotism of the people as any man. I am persuaded they will bear any taxes which are necessary for the support of a war in defence of their rights, and I am willing to vote them; but they will not submit to unnecessary taxes.

But, say gentlemen, to rely for the defence of the country on any force other than a naval force, would be as unwise as to attempt to protect a corn field by fencing in a distant cotton field. The cases are not at all analogous; but I should consider the wisdom of a planter, who, with a knowledge of his ability to complete a fence around his cultivated field, would undertake to build one half way for its protection, at least equal to that which advises us to expend the public resources on a naval force, which it is agreed will be "greatly inadequate" to its object. If the United States must become a great naval Power, the system can be maintained only in time of peace, and to attempt it in time of war when you are unable to throw upon the ocean a force competent to cope with the enemy, would be to diminish your own strength, and to increase theirs. On the subject of the first paragraph of the report which I have read, permit me to address myself particularly to the gentleman from New York, (Mr. MITCHELL,) and to remark, that the doctrine which confines the remedy to the seat of disease in all cases, is at war with the acknowledged principles of the animal economy, and has been proved not to constitute a part of the political system, by the vote not only of himself but of the gentleman from South Carolina (Mr. CHEVES.) Need I tell the gentleman from New York, what he understands much better than I do, that diseases of the head are frequently cured by applications to the feet? Or is it necessary to remind the gentleman that in voting for the bill which authorized the raising of twenty-five thousand men to take Canada, they admitted the fallacy of this doctrine? Where has England done you the most injury? On the high seas. Where do you propose to retaliate? In Canada. And when gentlemen themselves have advocated this course of proceeding, do they act consistently in telling the House that injuries can only be redressed or avenged on the element where they have been committed? In my humble opinion the course which has been pursued as a rational one, founded in the policy that must always influence the conduct of an injured party

disposed to retaliate. The enemy is invincible on the ocean, even if the whole naval force of the world besides be united against her. Her possessions to the north are, under existing circumstances, of the first importance to her, and they are within our reach. Without then applying our exertions where defeat would be inevitable, we have determined to direct the strength of the nation against the most vulnerable points, where success will be certain, and where retaliation will be most sensibly felt. And it is on this principle the advocates of a navy propose to derive advantage from it. They admit that it cannot protect our commerce in the European or Asiatic seas, but, say they, it will be competent to annoy the West India trade of England if she interrupts ours in distant seas, and in that way make it her interest to let us alone. Well, sir, this is precisely the object of taking Canada, and we will leave the annoyance of her West India trade to the enterprise of our privateers. They are much better calculated for that purpose than ships of war.

But we are told that the President has recommended an increase of our Naval Establishment, as a part of the war preparations. A reference to his Message will demonstrate that gentlemen are mistaken in regard to that fact. After detailing the evidence of hostile inflexibility on the part of Great Britain, and calling on Congress to put the country into an armor and attitude demanded by the crisis, he proceeds: "I recommend accordingly that adequate provision be made for filling the ranks, and prolonging enlistments of the regular troops; for an auxiliary force to be engaged for a more limited term; for the acceptance of volunteer corps, whose patriotic ardor may court a participation in urgent services; for detachments, as they may be wanted, of other portions of the militia, and for such a preparation of the great body as will proportion its usefulness to its intrinsic capacities." Surely if he had placed any reliance on a navy, and had believed it ought to constitute a part of the "armor," he would have felt himself bound by a sense of duty to say so. It is true that in another part of the Message, unconnected with the subject of war preparations, the following paragraph is to be found: "Your attention will of course be drawn to such provisions on the subject of our naval force as may be required for the services to which it may be best adapted. I submit to Congress the seasonableness also of an authority to augment the stock of such materials as are imperishable in their nature, or may not at once be attainable." What are the services to which our naval force is best adapted, is left to the decision of Congress; but an increase of the *existing* force is not recommended. As to augmenting the stock of materials, the precise object is not stated, but it was probably advised for the purposes of repairs and the like. It has, however, been mentioned, that as the Secretary of the Navy, an officer acting under the President, has, in a report now before the House, said much in behalf of ships and frigates, it follows he has spoken the sentiments and wishes of

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the President. Such a conclusion would not be authorized from the premises under any circumstances, and certainly not in the present case, when it is recollected that the report is simply an answer to queries proposed to the Department by a committee of this House—queries it was the duty of the Secretary to answer according to his knowledge and belief.

Gentlemen have also endeavored to fortify their arguments by stating that Mr. Jefferson in the year 1792, while Secretary of State, advocated a naval defence in a celebrated report made to Congress. And here permit me to remark, that so far from that report authorizing the inference which has been drawn, it affords strong evidence that Mr. Jefferson considered a navy neither competent to the protection of commerce, nor to the defence of the country. What was the object of that report, and what were the circumstances which produced it? The House of Representatives called on the Secretary of State to report to Congress the nature and extent of the restrictions which were imposed by foreign nations on the commerce of the United States, and the measures which he should think proper to be adopted for the improvement of commerce and navigation. If the Secretary of State thought a naval force proper for that purpose, it was his duty to recommend it, and he would unquestionably have done so. If, on the contrary, it is not enumerated among the measures advised, the inference in relation to his opinion on the subject is clear and conclusive. The report is of considerable length, and I will not read it to the House. It is sufficient for my argument to remark that it details the restrictions and vexations to which the commerce of the United States was subjected by foreign nations; enforces the necessity of securing the carriage of our commodities to market in our own vessels, and points out the appropriate means for effecting that object. Without repeating the particular modes of retaliation which he proposed, it is only necessary to say that a naval force constituted no part of his system, and is not even mentioned. Now, sir, if any further evidence be required as to the opinion of Mr. Jefferson in relation to the policy of a naval establishment, it may be found in the history of the eight years during which he presided over the national concerns. It should be remembered that during a considerable part of that term there was regularly an annual surplus of revenue, and his duty demanded that he should recommend from time to time the objects on which the welfare of the nation required its expenditure. In the whole course of those prosperous years, when loans and taxes were never heard of, did he ever advise an increase of the Navy, this "most appropriate, adequate, and cheap defence?" No, sir, never. He did recommend the building of gunboats for the protection of our ports and harbors; and the experience of other nations has proved that they are better calculated for that object than any naval force whatsoever. But we are told that the views which some of us entertain on this subject, are the result of preju-

dice. What, permit me to inquire, have been the effects of this prejudice? It has exempted the nation from a participation in the ruinous wars of Europe, to which, if in possession of a fleet, we should have long since have been a party. It has reduced the public debt from eighty-three millions of dollars to less than thirty-four, and in so much diminished the public burdens—a debt which had been increased by the profuse expenditures of former Administrations. The people have rapidly advanced in wealth; they have enjoyed the fruits of their honest industry, and they have been happy. The whole country has presented a scene of contentment and prosperity which is unexampled in the world; and, if such are the glorious consequences of "prejudice," I acknowledge its influence, and will not consent to abandon it. That we are now beset with troubles and embarrassments, no man will deny; nor can it be believed that they could have been averted, or would now be removed, by the proposed naval force.

England captures our vessels sailing to the Continent, and condemns them under her Orders in Council. Our other losses have resulted principally from confiscations under municipal regulations. Now, I would ask, of what avail would be any naval force which the resources of this country could furnish, in remedying these evils? There is not an intelligent merchant in the nation who would accept a convoy to the continent of Europe; he would prefer the chance of escaping the British cruisers by his own exertions and enterprise. And if England with her thousand ships has failed to break down the continental system, it cannot be imagined that a few American frigates would frighten Napoleon out of his purposes. Indeed it is difficult to conceive how ships can afford protection to property after it is landed within his dominions. On the high seas the navy of England, unrivalled as it is, has not been able to protect her commerce from the depredations of French privateers, nor will it from ours if we shall be engaged in war with her. Did not the gentleman from South Carolina, (Mr. CHEVES,) whose distinguished talents have been exerted in behalf of the present bill, declare to the House that England is weakest on the ocean; that she could not protect her commerce; and shall the United States expect to accomplish an object by a few ships which hundreds have been found incompetent to attain? Unquestionably if the navy of England is incompetent to the protection of her commerce; if, after having expended millions and hundreds of millions on her naval establishment she is still weakest on the ocean, we are furnished with an insuperable argument against the proposed measure. Reference has been made to the events of 1798, and gentlemen, aware that the people of the United States condemned the project of a navy at that time, say it may have been wrong *then* and right *now*. I can readily perceive how the reverse of this proposition might be true, but the case as stated cannot be correct. Whether we look at the resources of the country, or the

state of the world, reasons may be urged for a naval establishment then, which are totally inapplicable to present times and circumstances. The object was to oppose the depredations of French cruisers; and considering the small naval force of France compared with that of England, the force then proposed was probably adequate to effect it. But at present our resources and means cannot furnish any naval force but which it is admitted will be inadequate; and really if I were an advocate for the proposed system, I would frankly acknowledge that the opposition of the Republicans in 1798 was wrong; and that the then ruling party were right. We are told, however, that in 1798 the people also condemned armies and loans and taxes, and that to be consistent we should vote against them now. Sir, the opposition to armies, loans, and taxes at that time, resulted from a conviction on the public mind, not that they must be improper under any circumstances, but that they were then unnecessary. It was a system of patronage and expense evidently without a legitimate object, and therefore justly condemned. There was no foreign enemy on which the Army could possibly operate, and it was obvious that it could not have been intended to defend the country against a foreign foe. How is the case now? The public sentiment has called for war with England, and an army, therefore, is necessary to our defence, and to attack the neighboring possessions of the enemy. But the opposition to a naval establishment was founded not on the time nor circumstances, because if war with France was proper, a naval force, being adequate to inflict a deep wound upon her, was not without an object, as was the Army; on the contrary, the arguments against a navy were drawn from the nature of the thing itself, as when established being a permanent evil, incompatible with the peace and welfare of the country. And I concur perfectly in the opinion that the liberties of this country are more likely to be endangered by navies than armies, although there is no ground to apprehend a direct subversion from either. We are exempted from such an apprehension by the extent of territory over which our population is scattered; the habits, feelings, and pursuits of the people; the nature of our institutions, and the various circumstances which distinguish the United States from the rest of the world. When the British possessions to the North shall have been taken, it is scarcely possible that ambition can find a pretext for raising a considerable army. If it be apparent, as it will be, that there is no proper object against which an army can act, the people will frown on every attempt to raise one, as they did in 1798. Build a navy, and there will always be plausible pretexts for increasing it. Your navy, as all navies have done from their original institution, will produce wars, and wars will furnish arguments for increasing your navy. That such will be the course of events, the history of every naval Power that has existed fully demonstrates. The West India islands are at your doors, and afford temptations which with a naval

force would not long be resisted. It is scarcely necessary for me to remark that corruption is the only instrument which can ever be successfully wielded against the liberties of this people. If, then, wars produce corruption, and owing to the local situation and circumstances of this country, a navy is an instrument better calculated to create wars than an army, I think it follows conclusively that it is more dangerous to the public liberty. That both are inimical to peace, was at least believed by the framers of the Constitution. It is provided that no State shall, without the consent of Congress, "keep troops or ships of war in time of peace." Why, if a naval force be "perfectly innoxious to the public liberty," was this restriction imposed on the States? In no other view than that which I have stated, could such a restriction have been necessary, or would it have secured the assent of the States.

Another argument has been urged in favor of the bill, which, if well founded, would be conclusive. It is, that the Constitution imperiously enjoins on Congress the providing of a navy. "Congress *shall have power* to provide and maintain a navy." Such are the words of the Constitution; and in order to show that so far from being imperative they only delegate a discretionary power which may or may not be exercised, as Congress shall judge proper, I will call the attention of the House to other powers granted in similar terms. "Congress shall have power to borrow money, to raise and support armies, to grant letters of marque and reprisal." Now, if there be an imperative obligation to provide a navy independent of all circumstances whatsoever, we are equally bound to exercise the other powers. The grant in each case is certainly the same, and therefore necessarily entitled to the same construction. If, however, the construction for which some have contended were correct, I would ask the gentleman from South Carolina, (Mr. CHEVES,) what becomes of his favorite project of manning a navy by withholding commissions of marque and reprisal. The gentleman, when told that a fleet could not be manned without impressment, replied that on the eve of war we had nothing to do but to refuse commissions to privateers until a competent number of seamen for the naval service was procured. But if the authority to provide a navy were imperative, that to issue letters of marque and reprisal would be equally so, and consequently they could not be withheld.

We are told, however, sir, that a navy is indispensable to the protection of commerce, and that it is the bounden duty of Congress to protect commerce, cost what it may. I deny the correctness of either proposition. Commerce is the act of buying and selling, and has gain for its object. Prosecute it at an expense greater than its profits, and the object is totally lost. An individual engaged in any species of trade will abandon it whenever it becomes a losing business, and a wise Government, in extending its protecting powers, will be influenced by the same principle. If Congress undertakes to protect a portion of

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the community, in a branch of commerce, at an annual expense greater than its profits would pay, it can only be done by taking money from the pockets of others, in violation of the Constitutional injunction to promote the *general welfare*. Sir, the object of Government is to promote the security and happiness of the people. In attaining that object, there are certain indispensable duties which must be performed, or allegiance ceases. The person and property of the citizen while within the country are, as a matter of right, entitled to protection from foreign and domestic violence, cost what it may. But how far protection shall be afforded without your jurisdictional limits, is altogether a subject of policy. National independence is a perfect right, and must be maintained at every hazard. Foreign commerce is an imperfect right, which cannot be exercised without the consent of parties independent of each other; and the extent to which protection should be afforded always has been, and, from the nature of the rights, always must be, a matter of calculation. One nation may or may not trade with another, and there is no infringement of its rights; but an attack on a perfect right is a violation of the laws of nature and of nations, and demands the most prompt resistance. But supposing you were authorized to compel France or any other nation to buy your products, it requires no arguments to prove that such an effect could not result from a naval establishment.

Permit me to notice, however, a new system of political economy, which has been introduced in the course of the present discussion. We have heard that the merchant pays the revenue which supports the Government; that commerce is the annual capital of the country, amounting to six hundred millions of dollars; and we are asked, "will you abandon that capital?" I had always been taught to believe that the revenue was drawn from the purses of the consumers, and that the act of buying and selling was distinguishable from the article bought or sold. The fact is, that the merchant only advances the revenue or gives bond to pay it, but the amount is added to the cost of his goods; and he is eventually reimbursed by the consumer with a profit. The people of the United States therefore, who consume the goods, pay the revenue, and not the merchant. The capital of commerce is the annual surplus products of the country, which have never amounted to fifty millions of dollars. Still I am not disposed to abandon commerce, because, as I have before remarked, it is indispensable, in a great degree, to the prosperity of agriculture. They are, indeed, as has been said by the gentleman from New York (Mr. MITCHELL,) "twin sisters," and yet they are very unlike in character. Agriculture, the elder sister, is contented, frank, and unsuspicious—always making sacrifices, never receiving any in return. Commerce, the younger sister, is cunning, avaricious, and rapacious—never satisfied unless her gains are commensurate with her desires. Such are their characters as furnished by history. There is no instance of the

great mass of agriculturists in any country becoming corrupt; while, on the contrary, States that have been peculiarly commercial, have been peculiarly corrupt. For an example, I refer gentlemen to Holland, from whom they have drawn arguments in support of their system of naval power. The idea, Mr. Speaker, which I wish to convey, is, that notwithstanding the intimate connexion which subsists between agriculture and commerce, the interest of the latter may be promoted at the expense of the former State; that such has generally been the case, and that it will probably continue to be so in all countries where commercial influence is extensive. The magnanimity which has been displayed by the planting and farming interests of this country, in affording protection to the commercial, ought not to be overlooked. Does not your statute book furnish conclusive evidence that commerce has been fostered at the expense of agriculture? The great body of the people derive, comparatively, scarcely any benefit from your system of drawbacks, discriminating duties, &c., and although it is probably the source of our present troubles, it has not been abandoned. The jealousy of England in relation to the extensive carrying trade of the United States which has grown out of that system, was fully manifested in the late treaty negotiated by Mr. Monroe; and it is not improbable that a relinquishment of the system at that time might have produced an adjustment of our differences. But, sir, this is not enough; the people must be taxed to build a navy. Twelve seventy-fours and twenty frigates are wanted, and, as we are told, will be competent to protect commerce, and defend a seacoast of two thousand miles. They are at the same moment to protect your trade at least as far as the Gulf Stream; defend the mouths of the Mississippi, Boston, New York, and all the intermediate ports and harbors. If, indeed, those objects could be secured by the proposed force, it must possess attributes which have never belonged to any similar establishment. It is said that England, with all her ships of war, "is weakest on the ocean;" and yet, from the same quarter, we learn the incalculable advantages which are to be derived from a few frigates and seventy-fours. The truth is, that conquest and oppression were the objects for which navies have been instituted, and to such they have always been applied. The same motives which gave rise to standing armies on the Continent of Europe, produced the British navy; and they have both been used for the same purposes. But, say gentlemen, this is an argument drawn from abuse, and may be urged against the use of any and every power. I admit that this remark is in general correct, but it does not follow that all powers are equally liable to abuse, nor that there are none which if used will certainly be abused. For example—the Constitution deprives the States of the power to keep ships of war in time of peace, while in the exercise of other important powers they are not restrained. Why this particular restriction? The peculiar liberty of this power, if used, to be abused. I repeat, then, that navies are calculated to produce

mischievous, but that they never have been competent to protect and perpetuate the commerce of any nation. Holland was an extensively commercial and naval Power, and how was her commerce destroyed? The advocates of a navy have furnished the answer:—by the navigation system of England. Certain municipal commercial regulations in the British ports ruined the trade of Holland, her navy to the contrary notwithstanding. Well, sir, what is the inference? That a navy is necessary or adequate to the maintenance of commerce? Unquestionably not. It proves all the opponents to this bill can desire: that commerce is neither dependent on such protection, nor capable of being maintained by it. The best support to trade is the ability of a nation to furnish on the most reasonable terms such articles as are necessary to the wants or conveniences of others; and, as evidence of the fact, I would refer to the history of our own country. The commerce of the United States has flourished beyond example without a navy, while England with her great maritime force has not been able to compete with the enterprise of our merchants. What is the condition of England, and what the state of her commerce? She is shut out from the continent of Europe, and from this country. Her merchants are becoming bankrupts; her manufacturers in a situation the most miserable, and the nation is writhing under the consequences of a system produced by the inordinate ambition which has resulted from its naval superiority. And although a great naval force has been competent to create such wretchedness, it is found to be perfectly inadequate to its relief. Napoleon, by municipal regulations, has suspended the commerce of England, which supported her navy, but which her navy cannot defend nor protect. It is true, that, in consequence of her maritime strength, France dare not send a ship of war to sea; but it is not less true, that the continental system has inflicted a wound upon her commerce equal to that which she has been able to inflict on the commerce of others. And permit me to remark, that if Bonaparte, with probably more than an hundred ships-of-the-line, is unable to protect foreign commerce, it would appear difficult to conceive how we could effect that object with ten frigates, or twelve seventy-fours and twenty frigates. I conclude, then, sir, that commerce and naval power are not identified, and that opposition to the one, affords no presumption of hostility to the other. We are hostile to the proposed navy, because it is inadequate to the object for which it is intended, and because it is calculated to involve the nation in useless and wasteful expenditures. We deduce from history, that, while naval Powers have possessed the ability and disposition to annoy the commerce of others, they have not been able to protect and perpetuate their own.

But, for national defence, a navy is "the most appropriate, adequate, and cheap." As to its cheapness, it is only necessary to remark that the pay of a soldier is five dollars per month, and that of seamen in the naval service twelve dollars. And as to the comparative view of expenditures

on a navy and fortifications, which has been presented by the gentleman from South Carolina, (Mr. CHEVES,) I cannot perceive its bearing on the present question. If, as the gentleman seems to suppose, the proposed Naval Establishment would dispense with fortifications, the comparison would be applicable; but a reference to the report with which he has furnished the House, will clearly show that such is not the calculation.

The Secretary of the Navy remarks, that twelve seventy-fours and twenty frigates "would be competent,"—"uniting, occasionally, in operations with gunboats already built, if equipped and brought into service, and our fortifications" "to afford complete protection to our harbors." Thus it appears, that gunboats and fortifications, both of which the gentleman from South Carolina has excluded from the cost of defence, are to be considered a part of the estimate. The whole of this "cheap defence" would cost for building and one year's service (leaving out of view the sums already expended) more than the whole amount of our revenue in the most prosperous years, and far more than that which it is probable will be incurred in any short period. But suppose this fleet were built and equipped, would it afford complete protection to our harbors? No, sir. Did not the gentleman from South Carolina, (Mr. LOWMEYER,) one of the advocates of a navy, declare to the House, that one British seventy-four could block up the harbor of New York, in defiance of your existing Naval Establishment? And yet we are told by other advocates that one American vessel of the same rate will be equal to three of England. Let us examine the reasoning on which this latter position is founded. It is assumed as a fact, from which very forcible conclusions have been drawn, that our navy is not to be separated, while at the same time it is to defend our extensive seacoast; and that the enemy is to be attacked "in detail, when his vessels may be scattered." How a few ships are to defend an extent of fifteen hundred or two thousand miles, and always to be kept together, is beyond my limited comprehension; nor do I perceive why the vessels of the enemy should be scattered. It does, indeed, appear to me that the reverse of these propositions will be found true. If the proposed force is intended to defend our numerous ports and harbors, it must necessarily be divided and apportioned among them; otherwise, it will not be applied to the contemplated objects.

The assailing force has but one object to attain, and that is, to attack the most vulnerable points. While our vessels, therefore, must be scattered, from the necessity of the case, and continually liable to be attacked by a superior force, the enemy will separate, or not, as inducements may present themselves. But the American vessels, say gentlemen, will have the advantage of finding refuge and security, when attacked by superior force, in our ports. What, sir! teach your commanders the art of running, and at the same time rely on them for the defence of the country? It is an art which I am persuaded will not be

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learnt by a Rodgers or Decatur, and I am unwilling to place them in a situation where they must necessarily encounter a force so much greater than any we can furnish, as to render defeat inevitable. As to any advantage which is expected from "our superior knowledge of the shoals with which our seacoast abound," in the "fogs to which it is peculiarly subject," I will only remark, that the best charts of the coast which are used by our mariners are of British manufacture. And as to the idea which has been expressed, that England cannot send a naval force to the American station superior to that which it is proposed to create, I really cannot discover the source from which such an extraordinary conclusion is drawn. England has in commission at this moment near eight hundred vessels, of which one hundred and sixty are ships-of-the-line. Of the latter, she has also in ordinary upwards of a hundred, and supposing she could not spare a competent force from her existing establishment, what is to hinder her from manning and equipping fifty ships-of-the-line for the purpose of destroying the navy of the United States? She has one hundred and forty thousand seamen in her merchant vessels, whose services she commands by impressment whenever they are wanted for naval operations; and, in fact, she has nothing to do but to will the destruction of your twelve seventy-fours and twenty frigates, and they are destroyed. In thus acknowledging our inferiority to Great Britain on the Ocean, it may be added that every other nation is in the same situation, and that we have it in our power to retaliate on, and for the injuries we have suffered. Sir, the people of this country will not believe that their safety depends on ships of war. Their virtue, strength, and patriotism, are the foundation of national security, and while those attributes remain unimpaired, there is nothing to fear from foreign or domestic enemies.

I have so far, Mr. Speaker, considered principally the efficiency of a Naval Establishment, on the supposition that our resources and form of government would enable us to support it. I will now endeavor to show that in this country the manning of a navy to any considerable extent could not be effected without resorting, in violation of the Constitution, to the odious practice of impressment. Gentlemen are certainly mistaken in supposing that a navy could be manned here as cheap as in England. Her seamen are paid thirty shillings a month, ours twelve dollars, and frequently more. She compels them to engage and serve for that sum—we rely on voluntary engagements. The ordinary pay of seamen in our merchant service is thirty dollars per month; and I would appeal to the common observation of any man to determine, whether it is probable they would relinquish that service for the purpose of receiving only twelve dollars. We find other nations incapable of manning their navies except by force—France by maritime conscription, and England by impressment. And, sir, if countries overflowing with population, (a considerable proportion of which is without a sufficiency of the

necessaries of life,) cannot obtain men for their naval service, without resorting to the most cruel violence, it should not be presumed that the United States, abounding in the comforts of life to a greater extent than in population, would be more successful. The fallacy of the opinion that during war the pay in the merchant service would be so much lower than in times of peace, as to enable the Government to obtain seamen at a reasonable price, is fully proved by the experience of 1798. During the quasi war with France, the pay in merchant vessels was from twenty-six to thirty dollars; and I presume it will not be contended that the resources of the country would be competent at that rate to maintain a Naval Establishment.

It has been proposed, however, to obviate this difficulty, by withholding commissions from privateers. The seamen are thus to be thrown out of employment, that they may the more readily engage in the naval service. The effect of this project would be nearly the same as that of impressment—in the one case force would be applied indirectly, and in the other directly. I see no difference, as it respects the citizen, whether he is forced into compliance by starvation or impressment. And if this system is to be adopted in relation to the Navy, it would be well to extend it to the Army also. A law has passed authorizing the raising of twenty-five thousand men; and it is feared that, according to the Constitutional mode of enlistment, a longer time will be required to collect that number than is desirable. Now, if a navy can be manned by a Legislative act which is intended to deprive the seamen of their means of subsistence, why not devise a plan for starving some other portions of the community, and in that way fill up the ranks of your Army? The one would be as just as the other, and both would be equally efficacious. But there is a Constitutional provision which would render the proposed system wholly nugatory. The States are prohibited from keeping ships of war in time of peace only. It is obvious, therefore, that if the General Government attempt to force the seamen belonging to any State into their naval service, by refusing commissions to privateers, such States, by issuing commissions, may completely defeat your object.

Thus, sir, if gentlemen are determined to make the United States a naval Power, they must resort to the same oppressive measures, which other countries have adopted—measures to which, I assert, the freemen of this country will never submit. The gentleman from South Carolina (Mr. CHEVES) abhors impressment, but at the same time contends that Congress has Constitutional authority to command the services of the citizens when and where they think proper. It appears to me that if an individual is dragged from his home against his will, and committed to the ocean, it cannot be material by what name you designate the act. To convey forcibly a freeman without the limits of the United States, who had violated no law, committed no crime, is an exercise of sovereignty which I verily believe the framers of the Consti-

tution never thought of delegating. In what terms is this extraordinary power granted? "Congress shall have power to provide and maintain a Navy." From this expression alone, gentlemen, for the first time since the adoption of the Constitution—for until now the doctrine was never heard of—have considered the power implied which places the liberties of this people completely at the mercy of the General Government. If such an authority as this can be drawn by implication, all the restrictions contained in the Constitution are nugatory. "Congress shall have power to borrow money," &c. Here is a similar grant of power; and indubitably if, under the authority to provide a Navy, you can deprive the citizen of his liberty, it follows, that under authority to borrow, you may force him to lend his money. So, under the power "to raise and support armies," you may compel enlistments; and thus your authority over the persons and purses of the people becomes unlimited. Sir, such a doctrine, I am persuaded, will never be sanctioned by this House.

Mr. B. said, his indisposition would not permit him to say more upon the subject. He considered it impracticable to carry into effect the proposed system, without subverting the foundations of the Constitution; and he would not consent to destroy the temple of liberty for the purpose of building on its ruins a Naval Establishment.

Mr. NELSON said he would make a few remarks on this question, as this was the first opportunity which he had found of offering his sentiments on a subject, considered, on all hands, as of the first importance to the country. It was not for his own gratification that he should trespass on the patience of the House; not because he feared to send out his vote unaccompanied by a speech; not because those who in any way favor the Naval Establishment are charged with anti-republican principles. Considerations of this kind he disregarded. It was true that he, like every other Republican in this House, was alive to the dangers to which the liberties of the country might be exposed from large navy or army establishments. But he had no fears from any naval establishment at present proposed, nor from the expense to be incurred in carrying it into effect. Nor had he any fears from an additional army of twenty-five thousand men, so long as a spirit of republicanism and a love of liberty predominates in this country; but if, by indulging in luxury, and giving way to a corruption of manners, the pure fountain of republicanism should hereafter become polluted, then we might have some ground to fear the effects of a standing army of even twenty-five thousand men, drawn round some ambitious military chief, who might turn them against the Government.

Economy, said Mr. N., is the life and heart of every republican Government. It was a deviation from this principle which destroyed a former Administration (Mr. Adams's) and brought into existence the present republican Government. So long as he felt those attachments to republi-

canism, which he drew in with his first breath, so long would he lift up his hand against the improvident expenditure of public money, and endeavor to keep the Government within those rules of economy which brought it into existence. But, though he was an advocate for economy, he was not for withholding appropriations for any expenditure which he believed necessary for the public safety; nor would the people of this country ever disapprove expenditures of this kind.

Mr. N. was well aware that, at the time the Republican Administration came into power, there had been great complaints against the wasteful expenditure of public money; for having raised an army and increased the Navy without necessity; for having constituted a long list of offices unnecessary for the due administration of justice, and for having, in many things, departed from the true principles of republican economy.

But, in all the complaints which were made against the extravagance of that day, Mr. N. never heard it denied that a moderate naval force was necessary for the protection of the coasts and harbors of this country. And he did not mean to advocate the building of a navy which should be able to meet the navy of Great Britain on the ocean. He wished for such a one only as would protect our commerce in our own waters, and be able to drive off any vessel of war which should come upon our coast for the purpose of annoying and distressing us.

He would forbear to make any insinuations which might be calculated to wound the feelings of any gentleman; but he thought, when so liberal a land force had been granted, some attention ought to be paid to the wishes of gentlemen who deemed a small increase of our Navy as absolutely necessary for our protection. What was our object in raising an army of twenty-five thousand men? Was it not to obtain redress for injuries committed on our maritime and commercial rights? Were the injuries committed on the land? Certainly they were not. Will the capture of Canada compel Great Britain to respect our commercial rights in future? He did not believe it would. Canada was not of much use to Great Britain, nor would it be of much benefit to us. It is possible, however, the apprehension of losing Canada may influence Great Britain to repeal or modify her Orders in Council; if so, it will be very well; but if we proceed to take that country, she will not surrender that which she enjoys without restraint for the restoration of a barren rock; for, according to his ideas, Canada was of no advantage to Great Britain but as a road and harbor for her vessels.

Mr. N. said it was unnecessary to prove that this country had just cause of war against Great Britain; this had been acknowledged by their own Minister, in his correspondence with our Secretary of State. The conduct of this Government has been strictly impartial to both the belligerents; none but a madman would insinuate the contrary. The same terms had been offered to both nations, and, if one accepted, and the other rejected them, they had each their own choice.

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Both belligerents, Mr. N. said, have disregarded our neutral rights; have not considered what was due to us as a neutral; but rather how much injury and injustice a neutral country would submit to. Whence has this proceeded? From our own acquiescence. Because we did not resist the first aggression, but acquiesced until accumulated injuries of both nations overwhelmed us with violence. But we have, at length, determined manfully to rise and maintain our rights, not by bulletins and resolutions, not by appearing only to take war measures, but in a manner that shall convince our enemy, and the world, that we are in earnest.

But, will it be sufficient to raise a land force to go against the British provinces? Suppose, Mr. N. said, we get possession of the two Canadas, New Brunswick and Halifax, shall we have obtained the objects for which we take up arms? Certainly not. It will be necessary, therefore, that we should make every exertion to raise a force with which to protect and enforce our maritime rights.

If the resources of the United States were competent to the object, he would say, establish such a Navy as shall be able to cope with the British fleet at sea; but he knew this was not practicable; but we ought to do as much as we are able to do; we ought to put our Navy on the best footing, as it is on the water that our rights are assailed. But he did not wish to extend his views further at present, than a sufficient force to clear our coasts of pirates and picaroons, to protect our ports and harbors, our coasting and our West India trade.

Mr. N. thought it necessary to make this effort, in order to convince the nations of Europe that the representations heretofore made of this country, were erroneous; to show them that we are competent to make exertions for the defence of our national rights, and willing to do so whenever necessary. He did not wish this nation to be considered as a great naval and military nation; but he wished the world to know, that we are at all times able and willing to maintain our rights whenever they are assailed; when we shall have established this character, said Mr. N., our rights will be respected.

Is commerce of no avail to this country? What is it that gives a spring to your agriculture? It is commerce. What is it that fills your Treasury? Commerce. What paid your national debt? Commerce. What was it which procured a sale for your surplus produce? It is foreign commerce. If it produce all these benefits to the country, is it not, then, worth protection?

Commerce, both foreign and domestic, is necessary for this country. In a manufacturing country, a nation may, perhaps, dispense with commerce; but here, where we have no manufactures of any consequence; where agriculture is our chief interest, we could not exist without a commerce to find a market for the produce of our lands. But gentlemen say, our imposts are disguised taxes, which are anti-republican. He

did not think so. The people, Mr. N. said, understand the nature of an impost duty as well as we do. They know it is a duty laid on imported articles, which, if they purchase, they pay; but they are at liberty to purchase them or not. But no man can avoid paying a direct tax, and if you have not the money to pay, your property will be sold to produce it.

Mr. N. said, an idea had suggested itself to him, which he would submit to the Committee. We have tried the restrictive system in order to protect our commerce, and found it ineffectual, and are about to resort to another course. The expenses of the war will have to be provided for by loans, and it is proposed to resort to direct taxes in order to enable us to pay the interest of these loans. To prevent the necessity of having recourse to this mode of taxation, which would prove very oppressive to the people in some parts of the country, he would propose a repeal of the non-importation law, and by this means, we should not only get the goods wanting for our trade with the Indians, but draw money into our Treasury from impost duty; and if we had recourse to war, he saw no necessity for keeping this law in force.

Whence has arisen the opinion, at this time, Mr. N. said, that to extend our Navy would be attended with bad consequences—that it would be anti-republican? Can it have been the cabalistic effect produced by the report of the Secretary of the Treasury? Or from what other cause? None of these apprehensions were entertained when the army bill was before the House, and he thought the danger to be apprehended from an army was infinitely greater than from a Navy Establishment. Mr. N. concluded with some further observations in favor of building the ten frigates proposed by the bill, and against striking out the section.

Mr. BURWELL moved to postpone the subject until the 4th of February. As the decision of this question had nothing to do with the preparatory measures for war, he supposed no inconvenience would be experienced from this postponement. As there were, no doubt, many gentlemen who still wished to be heard on this subject, they would have time to prepare themselves; for, as this debate had continued little more than three weeks, they could scarcely be expected now to be prepared; besides, their arguments would then be new; whereas, if they were now delivered, they would appear a mere repetition. He hoped the House would indulge him in this motion, as this subject swallowed up every other. There are a number of important bills before the House. Our table is loaded with business, and if the course which he proposed was not taken, after a session of six or eight months, Congress would adjourn without having done the business for which they met. Besides, he was something like the English priest, who, having expressed a fondness for partridges, was served with them until he was almost surfeited. He began to want a change of fare. He had heard enough about a Navy; he would be glad of a little variety. If he had

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thought there were any chance of getting the question in ten or twelve days, he would not have made the motion; but at present he saw no end to the debate.

Some gentlemen appearing willing to debate this motion, Mr. B. withdrew it; and after a few remarks from Mr. SMITH against the Navy—

MR. WIDGERY said:—The subject of the bill on the table had been so ably discussed, that it would seem as if nothing more could be said on the subject. By the Constitution of the United States, Congress are empowered to build and support a navy. The framers of the compact, no doubt, thought it necessary to have a navy, or this provision would not have been made in the Constitution. It is the duty of a neutral nation to keep peace and order within her own jurisdiction—she ought to be able to compel obedience to her laws; and, for this purpose, it is necessary to have such an establishment of legal powers, as shall pervade the utmost limits of her jurisdiction—a government in which the belligerents, when they come within your harbors, may feel safe, otherwise they will be afraid to come and trade with you, lest they should get entrapped by their enemy. It is certainly the duty of a neutral Power to govern their own harbors, as well on water as on land: for this purpose, it is absolutely necessary that you should have a small navy, or at least some addition to what you have already got, in order to compel submission to the laws and ordinances of your Government; anything short of this will leave your system incomplete, and of course incompetent to the purposes for which it was established. What are the extreme limits of your jurisdiction? Sir, were I to fix them, I should say the limits on the Southeast should be the Gulf Stream, a line drawn by the God of nature, and one which no maritime traveller can mistake. When the armed ships of any nation were hovering on our coast, within that line, I would order them off as intruders. In this case I apprehend some will think me extravagant, because, by the law of nations, the extreme distance from land appears to have been fixed at three miles; this law may very well apply to the European nations, because in many cases nature has so bounded the ocean as to compel them to pass narrow straits, in order to get to and from their own kingdoms; such are the Straits of Gibraltar, the British Channel, St. George's Channel, the narrow pass into the Baltic, and many other places; three miles from each shore would leave but scant room for them to pass with head winds. This doctrine cannot apply to the United States; she has no passway through which it is necessary for other nations to travel with their ships; we may therefore fairly conclude, if they are found cruising on our coast, within the Gulf, it is for the purpose of depredating on our commerce. But there is another reason why three miles from land will not apply in this country:—for instance, you may be twenty miles up the Delaware or Chesapeake, and not be within three miles of the shore. Did any rational man ever presume that a belligerent had a right, according to the law of nations, to go up the bays

and rivers of a neutral nation, and lie there in wait for her enemies, who might be trading with the neutral? This, I presume, will not be contended for; nor will I contend for the whole of our rights, at this time. I now come to the waters within our own territory. It is absolutely necessary to have a more efficient navy than you now have to govern your harbors in times of peace. Let me call your attention to the insolent answer of a British commander, not long since, in the Delaware. When ordered off by the collector, in pursuance of our laws, did he not send word that he had a very good berth, and that he lay very well at his mooring? This was in plain English telling the United States he would go when he pleased. Sir, soon after the British armed ships were interdicted the waters of the United States by the President's proclamation, was there not a more high-handed violation committed by the commander of a British armed vessel in the port of Charleston, South Carolina? Will it be in your power to prevent the like insults on your Government, unless you have a sufficient force to spread along your coast? Sir, if we are to have a war, one gun afloat, in a good ship, is worth ten on land. They can be sent from place to place, along shore, as the occasion may require. Guns on shore are stationary; a ship, with a fair wind and tide, will pass them nine times out of ten; but if she passes another ship, she may meet her again when she least expects it. But, say the gentlemen, the English will have them as soon as you have built them. Sir, if the captain of a British ship should see an American of equal force, he will be very careful not to crowd sail in order to get himself into difficulty; nor will the American in that case be in a hurry to get off. If an American frigate meets one more than her match, she can run from her; and it is well understood that no frigates on the ocean can outsail the American frigates. It is said they will rot and decay; so will your houses—yet every man wants a house to protect him from the inclemency of the weather. This negative reason will go to the annihilation of the human species; all men are born to die—therefore, take no pains to nurse and bring up our tender offspring. Surely this kind of opposition cannot have weight with this Committee. But there is another reason: they are “the means of external war; they invite aggressions, and hence the Danes lost their fleet at Copenhagen—our ships would share the same fate.” There is no similarity in the two cases: as well might gentlemen compare the dim taper of a damp cell to the bright luminary of Heaven. Copenhagen is on an island, surrounded with navigable water, that enabled the British fleet to land an army on one side and lay their fleet on the other, and at the same time prevent their getting a reinforcement from the mainland. The United States are a continent, containing large rivers and harbors, in which her fleets may lie safe, and from which assistance cannot be prevented. But gentlemen are so candid as to say they never will vote anything to the support of commerce, as they believe it not for the interest of our country.

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Sir, by comparison it is that we know the good from bad, or the lesser from the greater evil. In order, therefore, to see whether commerce is so detrimental, or of no use to the country, let us look into those countries who have wrapped themselves up in this kind of inland protection, and would have nothing to do with foreign commerce; are they a more happy people than ourselves? Are they not, on the contrary, the poorest and most distressed people on earth? Where you see thousands of poor, who have nothing to shelter them from the weather, and depending on cold charity for their support?

Look into the North; the Russians seek no foreign commerce with their own ships—are they a more happy people than we are? On the contrary, the poor or common people in Russia have no will of their own; they are bought and sold with the lands to which they are attached, in the same way that the slaves in the West Indies or the South are bought and sold; they have nothing to live on but black bread and salt, a great part of the year: while, on the contrary, the Court is the most splendid in all Europe. Is this a situation to which gentlemen would wish to see the Americans reduced? I call on any gentleman in the hall to show an instance where freedom was ever supported for any length of time, where commerce was precluded or did not flourish. I think it will not be attempted by the most strenuous opposer of the commerce of this country. Where is this unwillingness of the people to support commerce to be found? in what section of the Union? In Massachusetts, where they have a regular organized militia of upwards of seventy thousand, hear of a man who is not willing to apply a portion of the funds or income of the United States to the support of our commerce! Gentlemen say, take Canada for the support of commerce; and when you ask them what we are to get by that, the answer is, enforce the restrictive measures. Sir, this cannot be effected in a country like ours; if you take Canada, unless you had more naval force than you now have, two British frigates would be able to prevent your getting in or out of the St. Lawrence; this will, therefore, have no effect in supporting your trade. Sir, when I voted for the Army, I did it in full expectation that all the component parts of this Government were to be protected equally, according to their wants and necessities. The other day, when we voted for the Army, we made no complaint of our inability to raise a much larger Army than the Executive wished to ask for; we were rich then, but by some strange magic, just before we are to give our votes on the subject of a few additional frigates, a report is ushered in from the Secretary of the Treasury. Sir, if you cannot afford to go farther, reduce your Army, and in that proportion add to your naval force; let those industrious citizens who inhabit your maritime towns have a proportion of the defence which is to be supported from their industry. Gentlemen say the consumer pays all; and, therefore, the maritime towns have no more credit than the rest of the community. This rule has

exceptions: but admit it, for argument sake, and then it will be found that the maritime towns contribute a large portion of the money, which is paid into the public Treasury—they risk their large capitals; if you say they may insure it, still it is all done in and by the citizens of the maritime towns. The same may be said, as to clothing and to spirituous liquors, sugar, and many other articles, which in the inland towns are made among themselves; so that in any point of view, which gentlemen may please to take of the case, the maritime towns are entitled to the notice of Government. The Army raised under the idea of supporting commerce is a farce, unless you have a naval force to co-operate with it. Sir, you cannot support commerce, in the frozen regions of the North, nor on the mountains of the Alleghany. It must be done where commerce floats. Whence arises this mighty opposition to commerce? We seem to be like sheep, afraid of the water. Sir, I hope the *hydrophobia* has not got amongst us. Seven hundred thousand people at least are employed in your maritime towns, in commercial pursuits. They have been brought up in that line of life, and will not consent to abandon it. You have upwards of a million of tons of shipping in the United States. The people who are connected directly and indirectly in this immense tonnage, will not consent to give it up as a dead loss. Such a thing is not to be expected, it must be for want of an acquaintance with the situation of their country, that gentlemen are induced thus to oppose commerce. Sir, I was one of those who was in favor of the embargo—I thought locking the registers and ships, papers in the collector's office, would keep the ships at home—what was the effect? The British pointed out the way to do without them, viz: come when and where you please, we will protect you without papers; the effect is well known. But in case of war, if you are not to have a Navy, and you abandon commerce, what is to become of the tars of America? Are they to be left either to enter your Army or starve in the streets? Sir, they will not submit to either; they will no longer regard the country, than the country will afford them protection—no, sir, they will enter into foreign service, and will become your enemies, and the most dangerous enemies this country ever had: give them a chance with the rest of your citizens on the element with which they are acquainted, and they will be ready in your defence to brave every danger; many of them left your country during the last embargo, having no other way to get their bread. Sir, it is not true that ships are the sole cause of war; we have ever since history has been known, heard of war. Charles XII., of Sweden, with his land forces, marched into Russia in the depth of snow, in search of conquest: he had no navy to aid him. Sir, we have a more striking proof that wars have been as frequent, and more cruel, antecedent to the use of navies, than since; look into your Bible, there you will find a history of wars which tinged the whole face of the Christian world with blood; but does it follow, from those

abuses, that Christianity is not to be supported? Certainly not, nor will it follow, that because some abuses may have happened in the naval system of the world, that, therefore, we should have no navy. If gentlemen who think this country has no need of commerce, could have what they wish, your streets would be crowded with the poor and distressed, begging from place to place, and starving for want of employ. Sir, in 1810, your whole amount of revenue was upwards of \$16,000,000; it is true it did not all come into the Treasury, but what was paid out answered a good purpose, it gave bread to those who collected, and were concerned in and about it. Is this not worth protecting? Sir, with such a spirit of enterprise no nation can be enslaved; destroy your commerce, and you must become slaves, because you cut the cord on which enterprise is suspended.

The question on agreeing to strike out the section for building the frigates was carried—yeas 62, nays 59, as follows:

YEAS—William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, William W. Bibb, Adam Boyd, Robert Brown, William A. Burwell, William Butler, James Cochran, John Clopton, William Crawford, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Edwin Gray, Felix Grundy, Bolling Hall, John A. Harper, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Aaron Lyle, Nathaniel Macon, William McCoy, Samuel McKee, Arunah Metcalf, Jas. Morgan, Jeremiah Morrow, Anthony New, Thomas Newbold, Stephen Ormsby, Israel Pickens, William Piper, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, Daniel Sheffey, John Smilie, George Smith, Richard Stanford, William Strong, John Taliaferro, Robert Whitehill, and David R. Williams.

NAYS—Willis Alston, jr., John Baker, Burwell Bassett, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Lewis Condit, John Davenport, junior, John Dawson, William Ely, James Emott, Asa Fitch, Thos. R. Gold, Isaiah L. Green, Aylett Hawes, Richard Jackson, jr., Philip B. Key, Lyman Law, Peter Little, Robert Le Roy Livingston, William Lowndes, George C. Maxwell, Archibald McBryde, Alexander McKim, James Milnor, Samuel L. Mitchell, Thomas Moore, Jonathan O. Moseley, Hugh Nelson, Thomas Newton, Joseph Pearson, Timothy Pitkin, jr., James Pleasants, jr., Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, Samuel Ringgold, Thomas Sammons, John Smith, Silas Stow, Lewis B. Sturges, Samuel Taggart, Uri Tracy, George M. Troup, Charles Turner, jr., Laban Wheaton, Leonard White, William Widgery, Thomas Wilson, Richard Winn, and Robert Wright.

The next question was, on agreeing with the Committee of the Whole to fill the blank for providing ship timber and other imperishable materials, with the words two hundred thousand dollars, which was carried—yeas 82, nays 37, as follows:

YEAS—Willis Alston, jr., Stevenson Archer, Ezekiel Bacon, John Baker, David Bard, Burwell Bassett, Abijah Bigelow, William Blackledge, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Wm. A. Burwell, William Butler, John C. Calhoun, Epaphroditus Champion, Martin Chittenden, Lewis Condit, Wm. Crawford, John Davenport, jr., Roger Davis, John Dawson, Samuel Dinsmoor, Elias Earle, Wm. Ely, James Emott, William Findley, James Fisk, Asa Fitch, Meshack Franklin, Thomas Gholson, Thos. R. Gold, Peterson Goodwyn, Isaiah L. Green, John A. Harper, Aylett Hawes, John M. Hyneman, Richard Jackson, junior, Joseph Kent, Philip B. Key, Wm. R. King, Lyman Law, Peter Little, Robert Le Roy Livingston, William Lowndes, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Alexander McKim, James Milnor, Samuel L. Mitchell, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Stephen Ormsby, Joseph Pearson, Timothy Pitkin, jr., James Pleasants, jr., Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, William Reed, Wm. M. Richardson, Henry M. Ridgely, Saml. Ringgold, John Roane, Thomas Sammons, John Sevier, Daniel Sheffey, John Smith, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Uri Tracy, George M. Troup, Chas. Turner, jr., Laban Wheaton, Leonard White, William Widgery, Thomas Wilson, and Robert Wright.

NAYS—William Anderson, William W. Bibb, Adam Boyd, Robert Brown, James Cochran, John Clopton, Joseph Desha, Edwin Gray, Felix Grundy, Bolling Hall, Obed Hall, Jacob Hufty, Richard M. Johnson, Abner Lacock, Joseph Lefever, Aaron Lyle, Nathaniel Macon, Samuel McKee, Arunah Metcalf, James Morgan, Jeremiah Morrow, Thomas Newbold, Israel Pickens, William Piper, John Rhea, Jonathan Roberts, William Rodman, Ebenezer Sage, Adam Seybert, Samuel Shaw, John Smilie, George Smith, Richard Stanford, William Strong, Robert Whitehill, David R. Williams.

Another question was on agreeing with the Committee of the Whole to make the above appropriation for three years, viz: for the years 1812, 1813, and 1814. This motion was carried—yeas 67, nays 52, as follows:

YEAS—Willis Alston, jun., Ezekiel Bacon, John Baker, Burwell Bassett, Abijah Bigelow, William Blackledge, Harmanus Bleecker, James Breckenridge, Elijah Brigham, J. C. Calhoun, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Lewis Condit, John Davenport, jr., Roger Davis, John Dawson, Samuel Dinsmoor, Elias Earle, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Isaiah L. Green, John A. Harper, Richard Jackson, jun., Joseph Kent, Philip B. Key, William R. King, Lyman Law, Peter Little, Robert Le Roy Livingston, William Lowndes, George C. Maxwell, Archibald McBryde, Alexander McKim, James Milnor, Samuel L. Mitchell, Jonathan O. Moseley, Hugh Nelson, Thomas Newton, Joseph Pearson, Timothy Pitkin, jun., James Pleasants, jr., Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, Henry M. Ridgely, Samuel Ringgold, Thomas Sammons, John Sevier, Daniel Sheffey, John Smith, Silas Stow, Lewis B. Sturges, Samuel Taggart, Uri Tracy, George M. Troup, Charles Turner, jr., Laban Wheaton, Leonard White, Wm. Widgery, Thomas Wilson, and Robert Wright.

NAYS—William Anderson, Stevenson Archer, Wm.

JANUARY, 1812.

Government Loans—Naval Establishment.

H. OF R.

W. Bibb, Adam Boyd, Robert Brown, Wm. A. Burwell, William Butler, James Cochran, John Clopton, William Crawford, Joseph Desha, Wm. Findley, Jas. Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Edwin Gray, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Abner Lacock, Joseph Lefever, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Samuel McKee, Arunah Metcalf, James Morgan, Jeremiah Morrow, Thomas Newbold, Stephen Ormsby, Israel Pickens, William Piper, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Ebenezer Scaver, Adam Seybert, Samuel Shaw, John Smilie, Richard Stanford, William Strong, John Taliaferro, Robert Whitehill, and David R. Williams.

The next question was on agreeing with the Committee of the Whole to appropriate one hundred thousand dollars for providing a dock yard.

Mr. RHEA moved to strike out the section; but this motion being decided to be out of order, Mr. D. R. WILLIAMS spoke against the propriety of appropriating money, without estimate, for an object not wanted until we went about building seventy-fours. The House adjourned, on motion of Mr. SMILIE, without taking the question.

TUESDAY, January 28.

Mr. JACKSON presented a memorial and remonstrance from certain inhabitants of East Greenwich, Rhode Island, condemning, in strong terms, a resolution some time ago introduced by a member from New York, offering a bounty to American seamen, on board British vessels, who should bring in any such vessel into the ports of the United States. This remonstrance was very long, and contained a number of severe reflections upon the measures of Government. After the reading had progressed for some time, the further reading of the paper was objected to, on the ground of being indecorous. This producing some debate, Mr. J. withdrew the memorial.

The SPEAKER declared that, in future, when he discovered that any paper presented to the House was couched in disrespectful and improper language, he should consider it his duty to take the sense of the House on the propriety of suffering the reading to progress.

Mr. RHEA presented to the House a resolution of the Legislature of the State of Tennessee, requesting their members in Congress to use their endeavors to get established a road to the Ohio, a little below the mouth of Great Water Creek. Mr. R. afterward introduced a resolution, directing an inquiry into the expediency of authorizing the laying out and opening the said road; which was referred.

GOVERNMENT LOANS.

Mr. ARCHER wished to offer a resolution to the House, calling upon the Secretary of the Treasury to give such information to this House as he may possess, relative to the practicability of obtaining such loans as Government may require, and at what rate of interest. As this body has determined upon raising a large army, and large

appropriations will, of course, be necessary for their support, and to carry on the war in which we expect to be engaged, it becomes necessary that Congress should devise the means by which this war can be carried on with effect. The Secretary of the Treasury has written a letter to the chairman of the Committee of Ways and Means, which that committee has laid before this House, enumerating the taxes to which it may be necessary to resort for this purpose. And, by offering the present resolution, he wished not to be considered as encroaching upon the duties of that committee. He confessed he was not prepared to say that he could swallow the bitter bill presented in the letter of the Secretary. He had always entertained a great abhorrence for the stamp and excise laws; and he could scarcely conceive any consideration which could induce him to vote for taxes of this description. We ought, said Mr. A., to be careful, in entering upon this war, not to run foul of the prejudices of the people, prejudices highly laudable from the causes which produced them. Let it not be supposed, said he, I am not disposed to go as far as any person, in supporting the rights of the country, and in voting for the means to enforce their protection; but I wish those means to be such as will be palatable to the people; and, if practicable, it would, in his opinion, be much better that this war, for the first year, should be carried on by means of loans. And, for this purpose, he proposed the following resolution:

Resolved, That the Secretary of the Treasury be directed to give this House such information as he may possess relative to the practicability of effecting loans for the Government of the United States, to what amount such loans may be obtained, and at what rate of interest."

After Mr. SMILIE had caused an extract from Mr. Gallatin's late letter, touching this subject, to be read, the resolution was agreed to.

NAVAL ESTABLISHMENT.

The order of the day, viz: the bill concerning the Naval Establishment, was then taken up, and the question on agreeing to the report of the Committee of the Whole, to fill up the blank in the section providing a dock yard, with one hundred thousand dollars, being under consideration, Mr. CHEVES stated the grounds upon which the Committee had recommended this provision of the bill, and replied to some remarks of his colleague (Mr. WILLIAMS) made yesterday.

Mr. RHEA then moved to strike out the whole section in relation to the dock yard; which, after some little debate, was carried—yeas 56, nays 52 as follows:

YEAS—William Anderson, Ezekiel Bacon, David Bard, William W. Bibb, Adam Boyd, Robert Brown, William A. Burwell, William Butler, James Cochran, William Crawford, Roger Davis, Joseph Desha, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Edwin Gray, Felix Grundy, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, Abner Lacock, Joseph Lefever, Aaron Lyle, Nathaniel Macon, Thomas

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The Militia.

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Moore, William McCoy, Samuel McKee, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Stephen Ormsby, Joseph Pearson, Israel Pickens, William Piper, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, Richard Stanford, William Strong, John Taliaferro, Robert Whitehill, David R. Williams, and Richard Winn.

YAYS—Willis Alston, jun., Stevenson Archer, John Baker, Burwell Bassett, William Blackledge, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Lewis Condit, John Davenport, jr., John Dawson, Elias Earle, William Ely, James Emott, William Findley, Asa Fitch, Thomas R. Gold, Isaiah L. Green, William R. King, Lyman Law, Peter Little, Robert Le Roy Livingston, William Lowndes, George C. Maxwell, Archibald McBryde, Alexander McKim, James Milnor, Jonathan O. Moseley, Thomas Newton, Timothy Pitkin, junior, James Pleasants, jun., Benjamin Pond, Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, Samuel Ringgold, Thomas Sammons, George Smith, Lewis B. Sturges, Samuel Taggart, Uri Tracy, Charles Turner, junior, Pierre Van Cortlandt, jun., Laban Wheaton, Leonard White, William Widgery, Thomas Wilson, and Robert Wright.

Mr. BLACKLEDGE moved a new section to the bill, providing for the building of four seventy-four gunships. As an inducement to the House to adopt this new section, he stated there were sufficient timber and guns on hand; that the whole expense would not exceed \$1,300,000, and the guns and timber being already provided, an appropriation of \$824,000 only, would be necessary to complete them.

The question was negatived—yeas 33, nays 76, as follows:

YAYS—John Baker, Burwell Bassett, Abijah Bigelow, William Blackledge, Harmanus Bleecker, James Breckenridge, Elijah Brigham, John Davenport, jun., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Richard Jackson, junior, Lyman Law, Robert Le Roy Livingston, William Lowndes, Archibald McBryde, James Milnor, Jonathan O. Moseley, Hugh Nelson, Thomas Newton, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, William Reed, Henry M. Ridgely, Thomas Sammons, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Pierre Van Cortlandt, jr., and Leonard White.

NAYS—Willis Alston, jr., William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, William W. Bibb, Adam Boyd, Robert Brown, William A. Burwell, William Butler, Epaphroditus Champion, James Cochran, Lewis Condit, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Felix Grundy, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Iacock, Joseph Lefever, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Anthony New, Thomas Newbold, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jun.,

Benjamin Pond, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, Richard Stanford, William Strong, John Taliaferro, Uri Tracy, George M. Troup, Charles Turner, jr., Robert Whitehill, David R. Williams, William Widgery, Thomas Wilson, and Robert Wright.

The bill was then ordered to be engrossed for a third reading to-morrow.

THE MILITIA.

The House resolved itself into a Committee of the Whole on the bill supplementary to "An act more effectually to provide for the national defence, by the establishment of an uniform militia throughout the United States," and to "An act making provision for arming and equipping the whole body of the militia of the United States." The bill having been gone through, without amendment,

Mr. WILLIAMS said, it might be expected from him, as a duty, to state the reasons which induced the Committee to bring forward this bill. As the day was far spent, however, and as this could be as well done in the House, as in the Committee of the Whole, he would move that the Committee rise and report the bill. The Committee rose accordingly.

[This bill proposes the division of the militia into three classes. The first, is to consist of such persons as are over eighteen and under twenty-one years of age, to be called the *Minor Class*, to be ordered out whenever detachments of the militia are authorized, but are not to do duty out of the State or Territory in which they reside, nor continue in service more than three months at a time.

The second class is to consist of persons over twenty-one and under thirty-one years of age, to be called the *Junior Class of Militia*, and may be ordered to any part of the United States or their Territories, but not to be compelled to serve more than twelve months at a time.

The third class is to consist of persons over thirty-one and under forty-five years of age, to be called the *Senior Class of Militia*, subject to do duty in the State or Territory in which they reside, and may be called into an adjoining State or Territory, but not to be compelled to serve more than twelve months at a time.

Every free, able-bodied white male citizen, upon his arrival at the age of eighteen years, and being enrolled in the militia, is to receive a stand of arms, the right to which is to be inalienably invested in him.

Four hundred thousand dollars are proposed to be appropriated annually in addition to the sum formerly appropriated for the purchase of arms.]

And then the House adjourned.

WEDNESDAY, January 29.

Mr. MILNOR presented a petition of a committee on behalf of the surviving officers of the Pennsylvania line of the Revolutionary Army, praying further compensation for services rendered in said army.—Referred to a select committee.

MESSRS. MILNOR, BUTLER, and BOYD, were appointed the committee.

JANUARY, 1812.

Naval Establishment—Spoliations.

H. OF R.

NAVAL ESTABLISHMENT.

An engrossed bill concerning the Naval Establishment was read the third time; and, on the question that the same do pass? it was determined in the affirmative—yeas 65, nays 30, as follows:

YEAS—Willis Alston, jun., William Anderson, Burwell Bassett, William Blackledge, James Breckenridge, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Martin Chittenden, Lewis Condit, John Davenport, junior, Roger Davis, Samuel Dinsmoor, William Ely, James Emott, William Findley, James Fisk, Asa Fitch, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, John A. Harper, Aylett Hawes, John M. Hyneman, William R. King, Peter Little, Robert Le Roy Livingston, William Lowndes, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Alexander McKim, James Milnor, Samuel L. Mitchell, Hugh Nelson, Thomas Newton, Timothy Pitkin, jun., James Pleasants, junior, Benjamin Pond, Peter B. Porter, Elisha R. Potter, William M. Richardson, Samuel Ringgold, John Rhea, Adam Seybert, Daniel Sheffey, George Smith, John Smith, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Uri Tracy, George M. Troup, Charles Turner, junior, Pierre Van Cortlandt, junior, Laban Wheaton, Leonard White, Thomas Wilson, Richard Winn, and Robert Wright.

NAYS—Ezekiel Bacon, William W. Bibb, Adam Boyd, Robert Brown, James Cochran, William Crawford, Joseph Desha, Obed Hall, Jacob Hufty, Richard M. Johnson, Abner Lacock, Aaron Lyle, Nathaniel Macon, Samuel McKee, Arunah Metcalf, James Morgan, Anthony New, Thomas Newbold, William Piper, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, John Smilie, Richard Stanford, William Strong, Robert Whitcomb, and David R. Williams.

The House then took up the bill for classifying and arming the militia; when Mr. D. R. WILLIAMS spoke at considerable length in its favor, explaining the objects of the bill, and Mr. MITCHELL against it, who concluded his observations by a motion to strike out the first section of the bill. He was followed by Mr. WRIGHT in favor of the bill. After Mr. W. had been speaking a considerable time, the SPEAKER observed that there was not a quorum of members present. A motion was made to adjourn, and carried.

THURSDAY, January 30.

On motion of Mr. PITKIN, a committee was appointed to inquire into the expediency of altering, by law, the times of holding the district courts within the districts of Connecticut and Virginia; with leave to report by bill, or otherwise.

Mr. PITKIN, Mr. NEWTON, and Mr. POND, were appointed the committee.

On motion of Mr. POINDEXTER,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of providing, by law, for the disposal of all such tracts of land, lying within the territories ceded to the United States south of the State of Tennessee, and east of the river Mississippi, claim-

ed by virtue of grants from the British Government of West Florida, in cases where the conditions precedent, in the grant, have not been complied with, and the claimant or claimants are not, at this time, citizens of the United States.

SPOILIATIONS, &c.

Mr. BIGELOW proposed the following resolution, for adoption, which was similar to one which the House had refused to enter into some days ago:

Resolved, That the President of the United States be requested to cause to be laid before this House, such information as he may possess in relation to the seizure, capture, and condemnation of the ships and merchandise of citizens of the United States, under the authority of the Governments of Europe, or either of them, which has not been heretofore communicated."

Objections were made to this resolution, because the House had already decided against it; because it called for information on the subjects probably at present matters of negotiation; and because a similar resolution had been entered into at last session, which was probably still before the Executive. It was urged in favor of the resolution, that the information was necessary and important, in order to come to a correct decision on questions which would come before Congress; that the President would communicate such things only as were proper to be known; that though a similar resolution had been passed at last session, and considerable progress made in collecting the information required; yet, if not again called for, no report would be made; as it was believed to be a rule with the Executive and the departments, when information was asked for at one session, which could not, from some circumstance or other, be furnished during the session, not to communicate the result of the inquiry at a future session, except it was expressly stated, in the resolution calling for the information, that the report might be made at the then present or a succeeding session of Congress. After an amendment, moved by Mr. BLACKLEDGE, to the following effect, the resolution was adopted: "accompanying the same with the regulation, order, and decree, under which the said captures were made, and information, as far as may be, how far the said decree, order, or regulation, be abandoned or persevered in, by the nation making such capture."

The House then entered upon the order of the day, viz: the bill for classifying and arming the Militia of the United States; when Mr. WRIGHT finished his observations in favor of the bill. Messrs. STOW, MACON, LITTLE, and WILLIAMS, also spoke in favor of the bill, and Messrs. WIDGERY and MITCHELL against it. The question on Mr. MITCHELL's motion to strike out the first section of the bill, was not taken. Adjourned.

FRIDAY, January 31.

Mr. BACON, from the Committee of Ways and Means, presented a bill making appropriations for the support of the Military Establishment, for the year 1812; which was read twice and committed

H. OF R.

Selah Benton—The Militia.

JANUARY, 1812.

to the Committee of the Whole on the bill making appropriations for the expenses incident to the six companies of mounted rangers, during the year 1812.

Mr. BACON, from the same committee, presented a bill making appropriations for the support of an additional military force; which was twice read and committed to the Committee of the Whole last mentioned.

Mr. PITKIN, from the committee appointed the 13th instant, reported, in part, a bill to alter the time of holding the district courts within and for the district of Connecticut; which was read twice and ordered to be engrossed and read the third time to-day.

SELAH BENTON.

Mr. GHOLSON, from the Committee of Claims, made a report on the petition of Selah Benton; which was read: when, Mr. GHOLSON, presented a bill for the relief of Selah Benton; which was read twice and committed to a Committee of the Whole on Monday next. The report is as follows:

That the petitioner claims a pension in consequence of bodily disabilities incurred during his service in the Revolutionary war. The committee are of opinion that the petitioner is not strictly entitled to a pension according to the rigid provisions of the existing law upon this subject, inasmuch as he was not actually wounded in the war. They are, nevertheless, from an examination of all the testimony accompanying the petition, fully convinced that the present application is embraced by the spirit in which the statute providing for the invalid soldiers of the Revolution was conceived, and that it ought to be allowed. The petitioner, who, it appears, served with honor and bravery in all the various offices of first sergeant, ensign, first and second lieutenants, and captain, from the commencement until almost the close of the war, when he became disabled, has established two positions entirely to the satisfaction of the committee: 1st. That his disability arose from disease contracted by exposure in the service of his country, and terminating in scorbutic ulcers; and 2dly. That his disability, thus sustained, has disqualified him from acquiring a maintenance by bodily labor. Your committee, therefore, beg leave to report a bill for the petitioner's relief.

THE MILITIA.

The House resumed the consideration of the unfinished business of yesterday; and the question depending, at the time of adjournment, to strike out the first section of the bill supplementary to "An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States," and to "An act making provision for arming and equipping the whole body of the militia of the United States," which section is in the following words: Section 1. "That all the militia of the United States liable to do duty, over eighteen, and under twenty-one years of age, shall be called the minor class of militia; and the President of the United States shall be, and he hereby is, authorized to order out the same, or any part thereof, whenever detachments of militia are authorized; but they shall not be compelled to do duty out of the State or Territory in which they severally re-

side, nor continued in actual service for more than three months at any one time;" was again stated, and being taken, was determined in the negative—yeas 38, nays 64, as follows:

YEAS—Willis Alston, jr., Stevenson Archer, Ezekiel Bacon, Adam Boyd, Robert Brown, William Butler, Epaphroditus Champion, Martin Chittenden, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thomas Gholson, Thomas R. Gold, Peterson Goodwyn, John A. Harper, Aylett Hawes, John M. Hyneman, Richard Jackson, jr., Lyman Law, Robert Le Roy Livingston, Alexander McKim, Arunah Metcalf, Samuel L. Mitchell, Jonathan O. Moseley, Timothy Pitkin, jun., James Plesants, jun., Benjamin Pond, Peter B. Porter, William Rodman, George Smith, Lewis B. Sturges, Samuel Taggart, Pierre Van Cortlandt, jun., Laban Wheaton, Leonard White, William Widgey, and Thomas Wilson.

NAYS—William Anderson, Burwell Bassett, William W. Bibb, William Blackledge, James Breckenridge, William A. Burwell, John C. Calhoun, Langdon Cheves, James Cochran, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, William Findley, James Fisk, Meshack Franklin, Isaiah L. Green, Felix Grundy, Obed Hall, Jacob Hufty, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lewis jun., Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Samuel McKee, Jas. Morgan, Jeremiah Morrow, Thomas Newbold, Thomas Newton, Stephen Ormsby, Joseph Pearson, Israel Pickens, William Piper, John Randolph, William M. Richardson, Henry M. Ridgely, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, John Smith, Richard Stanford, Philip Stuart, Silas Stow, William Strong, John Taliaferro, George M. Troup, Charles Turner, jun., Robert Whitehill, David R. Williams, Richard Winn, and Robert Wright.

Mr. LACOCK objected to the mode of distributing arms amongst the militia, adopted in the bill, by putting them in the hands of every citizen arriving at the age of eighteen years; and proposed an amendment, which went to put it in the power of the State Legislatures to deliver the arms to the citizens, or preserve them for their use in depots. This amendment produced considerable debate, and was finally negatived—yeas 48, nays 67, as follows:

YEAS—Willis Alston, jr., Ezekiel Bacon, John Baker, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, William A. Burwell, William Butler, Epaphroditus Champion, Martin Chittenden, Lewis Condit, John Davenport, jr., Roger Davis, Elias Earle, William Ely, James Emott, William Findley, Asa Fitch, Thomas Gholson, Thomas R. Gold, Aylett Hawes, John M. Hyneman, Richard Jackson, jun., Abner Lacock, Lyman Law, Robert Le Roy Livingston, James Milnor, Jonathan O. Moseley, Thos. Newbold, Thomas Newton, William Piper, Timothy Pitkin, jun., Benjamin Pond, Peter B. Porter, Elisha R. Potter, William Reed, Jonathan Roberts, William Rodman, Thomas Sammons, Adam Seybert, Richard Stanford, Lewis B. Sturges, Uri Tracy, George M. Troup, Laban Wheaton, and Leonard White.

NAYS—William Anderson, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, John C. Calhoun, Langdon Cheves, James Cochran,

FEBRUARY, 1812.

The Militia—Appropriation Bill.

H. OF R.

William Crawford, John Dawson, Samuel Dinsmoor, James Fisk, Meshack Franklin, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, Jacob Hufty, Richard M. Johnson, Joseph Kent, William R. King, Joseph Lefever, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Maccon, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Stephen Ormsby, Joseph Pearson, Israel Pickens, James Pleasants, jun., John Randolph, William M. Richardson, Henry M. Ridgely, John Rhea, John Roane, Ebenezer Sage, Ebenezer Seaver, John Sevier, Samuel Shaw, John Smilie, George Smith, John Smith, Philip Stuart, Silas Stow, William Strong, Samuel Taggart, John Taliaferro, Charles Turner, jun., Pierre Van Cortlandt, jun., Robert Whitehill, David R. Williams, Thomas Wilson, Richard Winn, and Robert Wright.

The question being on engrossing the bill, for a third reading, Mr. NELSON moved to recommit the bill to a Committee of the Whole House, in order that it might undergo such amendments as would make it more acceptable to several members who had objected to different parts of the bill. This motion was negatived.

The question then returned on the engrossment of the bill. The yeas and nays being called upon the question, Messrs. BIGELOW, NELSON, GHOLSON, and TROUP, assigned their reasons why they should vote against it, and the House adjourned, without taking the question.

SATURDAY, February 1.

Mr. RHEA laid before the House certain papers in refutation of the charges contained in the presentment of the Grand Jury of Baldwin county, in the Mississippi Territory, against Harry Toulmin, Judge of the Superior Court of Washington district, in said Territory; which were ordered to be referred to the select committee appointed on the letter from Cowles Mead.

A message was received from the Senate, informing the House that they had passed the bill authorizing the President of the United States to accept and organize certain volunteer corps, with an amendment, to which they request a concurrence.

The House took up this bill, and the amendment being stated, it was concurred in without a division. The amendment was to reduce the appropriation for carrying the object of the bill into effect, from three millions of dollars to one million.

THE MILITIA.

On motion of Mr. D. R. WILLIAMS, the House took up the unfinished business of yesterday, which was the bill for classing and arming the militia. The question being on the engrossment of the bill for a third reading,

Mr. WIDGERY moved to postpone the bill indefinitely.—Motion negatived—53 to 46.

On motion of Mr. MAXWELL, the appropriation in the bill was reduced from four hundred thousand to two hundred thousand dollars annually.

Mr. KING moved to strike out the word thirty-one, to insert in its place the word "thirty-five;" so as to make the Junior Class of the militia, by whom the heaviest part of militia duty is to be performed, consist of persons over twenty-one years of age and under thirty-five. This amendment was negatived, there being only 41 votes in its favor.

Mr. FINDLEY assigned the reasons which would induce him to vote against the bill's being engrossed.

Mr. TALLMADGE wished the Committee would suffer the bill to lie on the table until Monday. He had necessarily been detained from the House since this bill came under consideration, and had not, therefore, been able to pay to it that attention which he wished, and which would enable him to vote understandingly upon it. He moved to this effect, and the question was carried—51 to 45.

APPROPRIATION BILL.

The House resolved itself into a Committee of the Whole, on the bill making appropriations for the support of Government for the year 1812; and, having gone through the bill, it was reported to the House, taken up, and agreed to, except in relation to an appropriation for an additional compensation to the clerks in the several departments, not exceeding fifteen per cent. in addition to the sums allowed by the act, entitled "An act to regulate and fix the compensation of clerks," &c., \$11 234 33.

Mr. ALSTON moved to strike out this appropriation in Committee of the Whole; and the motion was negatived by the casting vote of the Chairman only. When the bill came before the House, Mr. A. renewed his motion, in which he was seconded by Mr. TALLMADGE. The motion was opposed by Messrs. BACON, MITCHELL, WILLIAMS, and WRIGHT.

Those opposed to making this allowance, urged that, if the salaries fixed for the clerks of each department were not sufficient, they ought to be increased, though it was believed they were ample, without this allowance; that this additional compensation was believed to be bestowed chiefly on favorites, and not according to the extra business performed. The supporters of this allowance, said that it had been made for a number of years; that the salaries would be inadequate without it; that its deliberation was left with the Heads of the Departments, who certainly might be safely trusted with it; that it served to reward faithful and extraordinary services; and that, having made the allowance for a number of years, it would be hard now to deprive the clerks of this part of their compensation.

The question on striking out this appropriation from the bill, was carried—yeas 45, nays 42, as follows:

YEAS—Willis Alston, jr., Stevenson Archer, John Baker, Elijah Brigham, Robert Brown, William Butler, Martin Chittenden, James Cochran, Lewis Condit, John Davenport, jr., Roger Davis, William Ely, Asa Fitch, Isaiah L. Green, Bolling Hall, Obed Hall, Jacob Hufty, John M. Hyneman, Richard Jackson, jun.,

H. OF R.

Christopher Miller.

FEBRUARY, 1812.

Joseph Kent, William R. King, Abner Lacoek, Joseph Lefever, Peter Little, Robert LeRoy Livingston, Aaron Lyle, Archibald McBryde, Samuel McKee, Alexander McKim, Arunah Metcalf, James Morgan, Thomas Newbold, Elisha R. Potter, William Reed, John Roane, William Rodman, Thomas Sammons, Ebenezer Seaver, Samuel Shaw, William Strong, Benjamin Tallmadge, Pierre Van Cortlandt, jr., Laban Wheaton, Leonard White, and Thomas Wilson.

NAYS—William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, William A. Burwell, John C. Calhoun, Epaphroditus Champion, William Crawford, James Emott, William Findley, Thomas Gholson, Peterson Goodwyn, Aylett Hawes, Lyman Law, Nathaniel Macon, Thomas Moore, William McCoy, James Milnor, Samuel L. Mitchell, Jeremiah Morrow, Jonathan O. Moseley, Anthony New, Israel Pickens, Timothy Pitkin, junior, James Pleasants, junior, Peter B. Porter, William M. Richardson, Henry M. Ridgely, Samuel Ringgold, John Rhea, Ebenezer Sage, John Sevier, Adam Seybert, George Smith, Philip Stuart, John Taliaferro, Uri Tracy, Charles Turner, jr., David R. Williams, and Robert Wright.

The bill contained in it a paragraph for allowing a compensation to the Marshals and assistant Marshals, for taking an account of the manufactures of the United States, in addition to the sum heretofore appropriated for that purpose — dollars.

This paragraph was stricken out in Committee of the Whole. When the bill came before the House, Mr. NEWTON moved to restore it, and to fill the blank with fifteen thousand dollars. He stated that seventy thousand dollars had been asked for this purpose at the last session, but only thirty thousand appropriated, which was so far short of what was deemed sufficient, that no distribution had been made of it by the Secretary of the Treasury.

This motion was opposed by Mr. MITCHELL, who said that he expected, before Congress were called upon for any additional appropriation, to have had laid before them a digested statement of these manufactures; but he had understood that this business had been so badly performed by many of the Marshals, that the Secretary found it next to impossible to make any satisfactory view of the subject from the returns which he had received. It was his opinion, that some of the Marshals deserved no compensation, whilst others had performed the service in a manner that richly deserved reward. Among the former description of returns, Mr. M. mentioned South Carolina, Maryland, New Jersey, and the District of Columbia; amongst the latter, Massachusetts, Pennsylvania, and New York.

Mr. NEWTON suffered the bill to pass without taking a question on restoring this part of it. The bill was then ordered to be engrossed for a third reading.

MONDAY, February 3.

Mr. BACON, from the Committee of Ways and Means, presented a bill making appropriations for the support of the Navy of the United States,

during the year 1812; which was read twice, and committed to a Committee of the Whole on Wednesday next.

An engrossed bill, making appropriations for the support of Government, during the year 1812, was read the third time, and passed.

The SPEAKER laid before the House sundry resolutions of the Legislature of the State of Virginia, approbatory of the measures pursued by the General Government towards Great Britain, and declaring that, "peace, as we now have it, is disgraceful, and war is honorable," and expressive of their determination to support all measures which may be adopted in vindication of the rights and honor of the United States.—Ordered to lie on the table.

A Message was received from the President of the United States, transmitting a report of the Secretary of the Treasury, containing a statement of proceedings under the "Act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio."

CHRISTOPHER MILLER.

Mr. ORMSBY, from the committee appointed on the 14th ultimo, presented a bill for the relief of Christopher Miller; which was read twice, and committed to a Committee of the Whole on Wednesday next.

Mr. O. also made a detailed report on the petition of the said Christopher Miller which was read. The report is as follows:

It appears to your committee that, in the year 1794, General Anthony Wayne, who then commanded the United States' army, determined to send a flag to the Indians, in order that a peace might be effected without further warfare. That the said Wayne was unable to find any person in his army possessing the necessary qualifications, who would undertake the hazardous enterprise, except the petitioner, who was intimately acquainted with their manners and their language; and, on this account, was the more solicitous that he should carry the flag to the Indians. That the petitioner, as an inducement to act in obedience to the wishes of General Wayne, was told by him that the Government would make him independent. The petitioner, at the evident hazard of his life, did proceed with the flag sent by the said Wayne, and commenced the negotiation, which terminated successfully.

Your committee are fully impressed with the belief that the death of General Wayne prevented him from making known to the Government the claim of the petitioner, and they are satisfied that his pretensions to a remuneration from the Government are much strengthened by the consideration of the great danger he encountered, and the knowledge which he must have possessed of that danger previous to his departure; for General Hardin and Major Trueman, who had undertaken similar expeditions to the Indians, had been killed but a very short time before.

When your committee reflect on the advantages which flowed from the conduct of the petitioner, the dangerous nature of the enterprise, and the promise of General Wayne given to him, on the faith of a soldier, that he should be amply remunerated, they cannot hesitate to say, that the Government ought to carry this promise into execution.

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New York Canals—The Militia.

H. of R.

NEW YORK CANALS,

The SPEAKER laid before the House a resolution of the Legislature of the State of Ohio, declaring that, in their opinion, the expense of the canal contemplated to be cut from the Great Lakes to Hudson river, ought to be provided for by the General Government.—Referred to the committee appointed on the petition of the President and Managers of the Union Canal Company, in the State of Pennsylvania.

The document is as follows:

ZANESVILLE, OHIO, Jan. 18, 1812.

SIR: In obedience to the request of the Legislature of this State, I have the honor to transmit you a copy of a resolution on the subject of the contemplated canal between the river Hudson and the Great Lakes.

I am, very respectfully, sir, your obedient, humble servant,

RETURN J. MEIGS.

Hon. HENRY CLAY,

Speaker of the House of Reps., U. S.

JANUARY 17, 1812.

Whereas the Commissioners, appointed under the first section of the act of the Legislature of the State of New York, passed the 8th day of April, 1811, entitled "An act to provide for the improvement of the internal navigation of the State," have, in pursuance of the provisions of said act, applied in behalf of said State to the Legislature of this State, for their aid and co-operation in carrying into effect the object contemplated in said act, and have particularly solicited the influence of this State in the public councils of our country for that purpose, being fully impressed with a sense of the importance of the object as well as with the respectful attention due to our sister States; therefore,

Resolved, by the Senate and House of Representatives of the State of Ohio, That they consider the communication, by means of the canal navigation, between the Great Lakes and Hudson river, as a project of national concern; that the accomplishment of such a project, free from a transit of duty, would have the most extensive and beneficial effects, by facilitating the intercourse between remote parts of the United States; diminishing the expense of transportation, thereby rendering the produce of our country more valuable, the price of foreign commodities cheaper; and that its tendency would be to encourage agriculture, manufactures, internal commerce, and to strengthen the bond of union between the States.

Resolved, As the sense of this General Assembly, that it would be expedient for the expense of said canal to be provided for by the United States in such a manner as they shall think proper, and that the same be free from toll or transit duty, for the transportation of produce, manufactures, or merchandise, thereon.

Resolved, That the Governor of this State be requested to transmit copies of this resolution to the President of the United States, the President of the Senate, the Speaker of the House of Representatives of Congress, the Governor of the State of New York, and to our Representatives, and each of our Senators, in Congress.

THE MILITIA.

The House again resumed the consideration of the bill for classing and arming the militia of the United States.

Mr. TALLMADGE said, that having been absent

from his seat when this bill was under discussion he could not profit by any remarks which had been made. He would, however, submit a few considerations which had occurred to his mind, and which would induce him to oppose the passage of the bill now on the table. That his remarks might be definite and precise, he would endeavor to pursue the following arrangement:

1st. He would examine the Constitution as to the powers given to Congress to legislate upon this subject.

2nd. Inquire how far those powers had been executed by any previous law.

3rd. He would endeavor to test the principles of this bill by the Constitution, by the militia law passed by Congress, and by the laws and usages of the States.

As to the powers given by the Constitution, Mr. T. remarked that they would be found under the eighth section of the first article of the Constitution of the United States—"Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions."

"To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress." So, also in defining the powers of the President of the United States, he is styled, "the Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States."

Hence, said Mr. T., it appears that all the military force of our country is divided into two classes, the army and the militia; the former is exclusively under the control of the General Government, and the latter is the great military bulwark of the States respectively. So cautious were the sages who framed the Constitution of the peculiar and appropriate rights of the States, that they have given to the President of the United States no control over the militia only when called out by authority of the Government, and for the three express purposes defined in the Constitution. These and these only, I contend, form the grounds or reasons on which the service of the militia may be required by the General Government.

With this plain exposition of the Constitution, I will pass on to the second proposition, and inquire how far the powers vested in the General Government have been carried into execution.

After various attempts had been made, and elaborate systems had been proposed and rejected, on the 8th of May, 1792, Congress passed a law "more effectually to provide for the national defence, by establishing a uniform militia throughout the United States."

By a careful examination of this law it will be perceived that, in all its provisions, the Constitutional limits have not been transcended; but that

the prominent features of this law consist of provisions to enroll or embody; to arm and accoutre; to arrange and organize; to officer under State authorities, and to discipline or train the militia according to the system provided by Congress. It is not unworthy of remark, that by the provisions of this law, it was made the duty of the militia to arm and clothe themselves at their own expense, and the quality and description of their arms were particularly designated.

On the 2d of March, 1803, another law was passed, supplementary to the foregoing, in which additional duties were required of the Adjutant-General—a Quartermaster's Department was established, and every militiaman enjoined to be completely furnished with arms, accoutrements, and ammunition, agreeable to the requisitions of the aforesaid act.

On the 23d of April, 1808, an additional law was enacted, authorizing an annual appropriation of two hundred thousand dollars, to purchase arms and military equipments, which were to be distributed to the several States and Territories, in proportion to their effective militia, under such rules and regulations as the Legislatures should respectively prescribe by law. From the most careful examination I have been able to give this subject, I believe the foregoing laws comprehend all the regulations which have been made relative to the militia of the several States and Territories. Other laws have been passed relating to draughts from the militia, which have no bearing upon this question.

3dly. I come now to test the principles of the bill before the House, by the Constitution, and the system adopted by the Government heretofore. I inquire, then, what urgent occasion is there for this bill? Gentlemen say that the old system is inadequate to its object. But, suffer me, Mr. Speaker, to inquire from whence do these objections arise? Are they made by those who have carried the laws into practicable effect, or by those States where the militia laws have been scarcely regarded? Most assuredly not the former—and with how ill a grace they are made by those who have never carried the militia laws into operation I leave for the good sense of this House to determine. Sir, the militia of the Northern States, by a close adherence to the law, and a careful attention to its requisitions, have become formidable armies themselves for all purposes to which the services of the militia can constitutionally be directed. They are the military boast and pride of our country, and no man feels himself degraded by being enrolled with his neighbors to perform the duties of the militia.

In addition to this the present militia system has been long in operation. It commenced with the first settlement of our country, and with the slight alterations and amendments since has been found to answer the grand objects to which this force ought constitutionally to be directed. I would further remark, that being now so fully ingrafted into our State codes, and forming no inconsiderable part of our habits, (I speak more especially of the Northern States,) no small in-

convenience would result to the community by the adopting the provisions of this bill.

It is not unworthy of remark that the classifying principle of this bill would introduce novel distinctions, and would oppose odious and oppressive burdens on that portion of our citizens who are enrolled in the militia. And who, I pray you, Mr. Speaker, are the militia of our country? In addition to the duties which they perform as being the natural guardians of our rights in arms, they are the sovereigns of this country, and hold in their hands the Constitutional right to remove us from these seats whenever they please.

I add once more that the classifying principle which forms the most prominent feature of this bill, smells too strong of the detestable conscription of the French Emperor to become palatable to our own countrymen. Whatever the chairman of the committee who brought in this bill (Mr. WILLIAMS) may say of the French conscription being very similar to our code, I insist on it that light and darkness are scarcely more unlike than the practical operations of those two principles. Is it possible that the gentlemen from South Carolina can see no difference between the equal voluntary service of our countrymen, embodied to defend their dearest rights, or to enforce the execution of our laws, and the involuntary, detestable service to which all the youth of France and her dependencies are subjected by the Bonaparteian conscription? Are the *chains* and *handcuffs* which adorn the young conscript on his march from his father's house to some military depot in France to be compared with the operation of our militia laws in this free Republic? And will the gentleman venture to assert that there is no difference between the Constitutional appropriate service of our militia, and the dreadful prospects presented to the conscripts of France, chained to the destinies of a military despot, and obliged to pursue the objects of his ambition wherever, and against whomsoever, directed? Sir, I cannot express my astonishment when I hear such remarks made within these walls, nor will I cease to expose and reprobate them so long as I have a seat on this floor.

But the doctrine which I wish to enforce is, that the power contained in this bill is not warranted by the Constitution. The whole power given to Congress, relative to this point, is to *provide for organizing arming, and disciplining the militia*. Will any gentleman say that under this provision is given an authority to class the militia, and designate particular duties to be performed by them? If powers not given are actually retained, then shall I contend that this power belongs alone to the States. As I consider the interference of the General Government with the State authorities, in relation to the militia, to be dangerous in the extreme, I would cautiously guard against the first encroachments upon those important rights.

If an army should be thus formed from conscripts, called out under the imposing title of classified militia, it would be an army unknown to the Constitution. Indeed, as the case might be,

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the physical force of the States might be so disposed of, as that, in the hands of an aspiring, ambitious President, the liberties of this country would be greatly jeopardized. Let such a President have power to call those conscripts to perform military duty wherever he should think proper, I beg leave to inquire what should prevent him from destroying your liberties by the aid of his regular troops? Against such possible evils, I wish to interpose every practical check.

Having made these general remarks, I will now examine some of the sections of this bill, and dismiss the subject.

In the first section of the bill an authority is given to the President of the United States to order out the minor class, or any part of it, whenever detachments from the militia should be authorized. This power, Mr. Speaker, is too great for me to consent to give. If this section of the bill should pass in its present form, all the youth of our country from eighteen to twenty-one years of age would be placed under the control of the President, which, I am persuaded, the Constitution never contemplated.

The seventh section provides for punishing any officer who should fail to perform his duty, as required by this act, by cashiering, or mulcting, or fining, not exceeding fifty dollars. I utterly object to this provision because no such authority is vested in the General Government, nor can we interfere with punishments by courts martial, under the authority of the individual States. How, I beg leave to ask, are such courts to be formed; and, in case of fine, by what process is the money to be collected? A bare mention of these difficulties, I should hope, would be sufficient to show the absurdity of the provision.

In the eighth section of this bill, provision is made for furnishing every militiaman, who shall arrive to the age of eighteen years, with a stand of arms. To the principle of this provision I do not object; but, as I do believe this method of delivering out the arms is more objectionable than that which is provided by law, I cannot consent to this alteration. We have a standing law appropriating \$200,000 annually for the purchase of arms, which directs the distribution of the same to the Executives of the several States and Territories, for the use of their militia; and under their direction I wish to see the distribution made. In fact, I wish to maintain the true Constitutional character of our militia, as belonging to the several States, and not as militia of the United States.

In the same section, the oath required to be taken before the stand of arms can be delivered, as the case may be, will deprive the State of the service of one of her citizens, or he must perjure himself to obtain the stand. No provision is made where arms may be lost in battle, or by any other unavoidable accident.

I have strong objections to other sections of this bill, particularly to the eleventh and thirteenth sections, which I will leave to other gentlemen who may follow me.

Although I shall always be ready to accord in

any measure which may be calculated to perfect the present militia system of the United States, yet I cannot consent to innovate upon any of those great principles which bind the services of the militia, most emphatically, to the States and Territories in which they reside. I, therefore, hope the bill on your table will not pass.

Messrs. QUINCY, and LAW, spoke against the bill; and Messrs. WILLIAMS and WRIGHT in favor of it. The House adjourned, without taking the question on the engrossment of the bill.

TUESDAY, February 4.

Mr. RHEA presented to the House a letter addressed to him by the Governor of the State of Tennessee, enclosing a copy of a resolution of the General Assembly of that State, "recommending to their Senators and Representatives in Congress the expediency of stipulating for the nearest possible route for a wagon road from Knoxville to Augusta, in Georgia through the country of the Cherokee Indians."—Referred to the Secretary of War, to consider and report thereon to the House.

Mr. BACON, from the Committee of Ways and Means, to whom was referred the report of the Secretary of the Treasury, of the amount of deposits of public money in banks, reported, in part, a bill repealing the tenth section of the "Act to incorporate the subscribers to the Bank of the United States;" which was read twice and committed to a Committee of the Whole on Monday next.

Mr. LEWIS, from the Committee for the District of Columbia, to whom was recommitted the bill further to amend the charter of the City of Washington, reported an amendatory bill; which was read, and committed to a Committee of the Whole on Thursday next.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a statement of the tonnage of the United States, prepared in obedience to a resolution of the eleventh ultimo; which was read, and ordered to lie on the table.

The SPEAKER laid before the House another letter from the Secretary of the Treasury, transmitting two statements of importations in American and foreign vessels for one year, ending the thirtieth of September, 1810; which were read, and ordered to lie on the table.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting a statement of the name, rank, pay, and rations, of each commissioned and warrant officer of the Navy, prepared in obedience to a resolution of the twenty-third ultimo; which were read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed a bill "to promote the progress of science and useful arts, by securing, for a limited time, to the inventors, the exclusive right to their respective discoveries;" in which bill they desire the concurrence of this House.

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The House resolved itself into a Committee of the Whole, on the bill supplemental to an act for raising, for a limited time, a military force.

Mr. WILLIAMS explained the object of this bill to be to provide for mounting a regiment of horse artillery, directed to be raised by a law of 1808. The bill was reported without amendment, and ordered to be engrossed for a third reading.

The House went into a Committee of the Whole, on the bill making further appropriation for the defence of our maritime frontier.

The blank in the bill for the appropriation, was filled with a million of dollars. The House concurred in the amendment, and the bill was ordered to a third reading.

The House went into a Committee of the Whole, on the bill to ascertain the Western boundary of a tract of land reserved for satisfying military bounties of the officers and soldiers of the Virginia Continental Line. After some time spent therein, the Committee rose and had leave to sit again.

THE MILITIA.

The House resumed the consideration of the bill for classing and arming the militia of the United States. The question was on the bill's going to a third reading. Messrs. BIGELOW, MOSELEY, RHEA, and STURGES, spoke against the bill's being engrossed; and the latter gentleman concluded his observations, by a motion to recommit the bill.

Mr. HARPER proposed to amend the motion, by adding to it, "for the purpose of reporting two separate bills—one for classing, the other for arming the militia." Mr. STURGES accepted the amendment as a part of the motion.

Messrs. HARPER, PORTER, RHEA, GHOLSON, and WIDGERY, expressed themselves in favor of arming the militia, but not of classing the militia.

Messrs. WILLIAMS, MACON, and WRIGHT, (members of the committee who reported the bill,) opposed the motion to recommit the bill. They wished the sense of the House to be taken upon it, without further loss of time; but if the House decided in favor of a recommitment, they hoped the bill would not be sent back to them, as they had reported such a bill as they approved; and if it were to be new-modelled, they wished it to go to those gentlemen who had expressed so much dissatisfaction with it, though they believed but few of them would vote for it in any shape.

The motion for recommitment was lost, there being only 30 votes for it.

The question was then taken upon the engrossment of the bill, and carried—yeas 62, nays 59, as follows:

YEAS—Willis Alston, junior, William Anderson, John Baker, Burwell Bassett, William W. Bibb, Jas. Breckenridge, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, Lewis Condit, Wm. Crawford, John Dawson, Joseph Desha, Samuel Dinsmore, Elias Earle, James Fisk, Meshack Franklin, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Jacob Huffy, Joseph Kent, Philip B. Key, William R. King, Abner Lacock, Joseph Lefever, Joseph Lewis, jr., Peter Little, William Lowndes, Nathaniel

Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Arunah Metcalf, James Morgan, Jeremiah Morrow, Anthony New, Thomas Newbold, Stephen Ormsby, Joseph Pearson, Israel Pickens, William M. Richardson, Henry M. Ridgely, Samuel Ringgold, John Roane, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, Daniel Sheffey, John Smilie, John Smith, Philip Stuart, Silas Stow, William Strong, John Taliaferro, George M. Troup, David R. Williams, and Robert Wright.

NAYS—Stevenson Archer, Ezekiel Bacon, David Bard, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, Elijah Brigham, Robert Brown, William Butler, Epaphroditus Champion, Martin Chittenden, John Davenport, junior, Roger Davis, William Ely, James Emott, William Findley, Asa Fitch, Thomas Gholson, Thomas R. Gold, Peterson Goodwyn, Edward Gray, John A. Harper, Aylett Hawes, John M. Hyneman, Richard Jackson, junior, Lyman Law, Robert Le Roy Livingston, Aaron Lyle, James Milnor, Samuel L. Mitchell, Jonathan O. Moseley, Hugh Nelson, William Piper Timothy Pitkin, junior, James Pleasants, junior, Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, William Reed, John Rhea, Jonathan Roberts, William Rodman, Thomas Sammons, Adam Seybert, George Smith, Richard Stanford, Lewis B. Sturges, George Sullivan, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Charles Turner, jun., Pierre Van Cortlandt, jun., Laban Wheaton, Leonard White, Robert Whitehill, William Widgery, and Thomas Wilson.

The bill was ordered to be read a third time tomorrow.

WEDNESDAY, February 4.

Mr. BAKER presented a petition of sundry inhabitants of Alexandria, in the District of Columbia, praying permission to cut a canal around the western end of the causeway between Mason's Island and the Virginia shore of the Potomac river, and also to cut a canal between the main land and Alexander's Peninsula, and that the corporation of the town of Alexandria may be authorized to levy a tax upon the property or citizens of the town to execute the work.—Referred to the Committee for the District of Columbia.

The SPEAKER laid before the House sundry resolutions of the General Assembly of the State of Kentucky, declaring that they feel deeply sensible of the continued violations of our national rights by Great Britain and France, and that, if they are not discontinued, they ought to be resisted with the whole power of the country; and that, in the event of a war with either of the belligerents of Europe, "the State of Kentucky will contribute, to the last mite of her resources, to maintain the contest and support the rights of the nation against such lawless violations."

The resolutions were read, and together with the resolutions, of a similar nature, passed by the Legislatures of the States of North Carolina, Virginia, New Jersey, and Pennsylvania, and by the Legislature of the Mississippi Territory, and by a public meeting in the State of New Jersey, ordered to be referred to the Committee on Foreign Relations.

The SPEAKER laid before the House a petition

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of the Synod of Kentucky, praying that the mails of the United States may not be carried on the Sabbath day, except on extraordinary occasions. Laid on the table.

The bill from the Senate "to promote the progress of science and useful arts, by securing, for a limited time, to the inventors, the exclusive right to their respective discoveries," was read twice, and committed to a select committee.

Mr. NEWTON, Mr. GOLD, Mr. PITKIN, Mr. LOWNDES, and Mr. MILNOR, were appointed the committee.

An engrossed bill supplementary to "An act to raise, for a limited time, an additional military force," was read the third time, and passed.

THE MILITIA.

An engrossed bill supplementary to "An act more effectually to provide for the national defence by establishing a uniform militia throughout the United States," and to "An act making provision for arming and equipping the whole body of the militia of the United States," was read the third time; and on the question that the same do pass, it was determined in the negative—yeas 55, nays 58, as follows:

YEAS—Willis Alston, jr., William Anderson, John Baker, Burwell Bassett, William W. Bibb, James Breckenridge, John C. Cathoun, Langdon Cheves, Matthew Clay, James Cochran, William Crawford, John Dawson, Samuel Dinsmoor, Elias Earle, James Fisk, Meshack Franklin, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Jacob Hufty, Richard M. Johnson, Joseph Kent, Philip B. Key, William R. King, Abner Lacock, Joseph Lefever, Joseph Lewis, jun., Peter Little, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, Arunah Metcalf, James Morgan, Jeremiah Morrow, Thomas Newbold, Stephen Ormsby, Israel Pickens, Henry M. Ridgely, Samuel Ringgold, John Roane, Ebenezer Sage, Ebenezer Seaver, John Sevier, Samuel Shaw, Daniel Sheffey, John Smilie, Philip Stuart, Silas Stow, William Strong, George M. Troup, David R. Williams, Richard Winn, and Robert Wright.

NAYS—Stevenson Archer, Ezekiel Bacon, David Bard, Abijah Bigelow, Harmanus Blecker, Adam Boyd, Elijah Brigham, Robert Brown, William Butler, Epaphroditus Champion, Martin Chittenden, John Davenport, jr., Roger Davis, William Eli, James Emott, Wm. Findley, Asa Fitch, Thomas Gholson, Thomas R. Gold, Peterson Goodwyn, Edwin Gray, John A. Harper, Aylett Hawes, John M. Hyneman, Richard Jackson, jr., Lyman Law, Robert Le Roy Livingston, Aaron Lyle, James Milnor, Samuel L. Mitchill, Jonathan O. Moseley, Hugh Nelson, Thomas Newton, William Piper, Timothy Pitkin, jr., James Pleasants, jr., Benjamin Pond, Peter B. Porter, Elisha R. Potter, William Reed, John Rhea, Jonathan Roberts, William Rodman, Thos. Sammons, Adam Seybert, George Smith, Richard Stanford, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Benjamin Tallmadge, Charles Turner, jr., Pierre Van Cortlandt, jun., Jaban Wheaton, Leonard White, Robert Whitehill, William Widgery, and Thos. Wilson.

[The following is an abstract of the arguments used for and against the bill.

This bill provided that the militia should be

divided into three classes, viz: Minor, Junior and Senior Classes. The first to consist of youths over eighteen and under twenty-one years; to be called out for three months at a time only, and within their own State; the second, to consist of citizens over twenty-one and under thirty-one years age, to be employed for twelve months at a time, in any manner in which the President of the United States may direct; and the last to consist of citizens over thirty-one and under forty-five years of age, liable to be called out for six months at a time, in the State in which they live, or an adjoining State. The bill also provides that every youth arriving at the age of eighteen, shall be provided with a stand of arms at the expense of the Government.

This bill was supported by Messrs. D. R. WILLIAMS, MACON, WRIGHT, STOW, RANDOLPH and SMILIE, on the following grounds. In behalf of the classification, it was said, that in consideration of youths from eighteen to twenty-one being generally engaged in either obtaining an education, or in learning some trade or profession to fit them for future usefulness in life, they had laid the burden of military service lightly on them, and confined them within a moderate distance from their homes: That on the next class, consisting of citizens in the prime of life, considering them as being possessed of the great physical strength and spirit of the community, they had laid the heaviest burden of duty, though no more than every citizen is at present liable to be called upon to perform: On the senior class, they imposed a lighter duty, because they consider them as being more necessary at home, and as being less able to sustain service than the persons composing the second class. Though at first view, it might appear that the service was unequal, yet it was stated that if it were considered that every man who lived to be of the age of forty-five, would pass through all the classes, it would, in the end, be a perfect system of equality, and considerably lessen the present burden of militia service, at the same time that it would afford to the country its most efficient force whenever it should be necessary to call out the militia; and though one-third only of the whole number of citizens liable to do militia duty, could be called out to any considerable distance from home, yet, from our increased population, it was argued, this would be a greater force than the Government could possibly want for any distant service; and the minor and senior classes would be always ready to perform the service in their own and adjoining State. Under this arrangement, it was said, every citizen would know the kind of service which he was liable to be called upon to perform, and would have satisfaction in passing from one class to another, until he arrived at that age, which exempted him from militia service.

This arrangement, it was contended, would have no visible operation upon the militia, until they became detached for the service of the United States, in consequence of a call from the President, in conformity with a law of Congress; as all that this bill requires while the militia remains

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at home, is, that the returning officer shall make three columns in his return, instead of one, containing an account of the number of men there are in each of the classes, instead of returning the whole in one column, as at present.

This kind of classification would do away the inconveniences, which are always experienced in an army, by having young and old men in the same ranks—from having the father and son on the same battle ground. Every experienced officer, every man, must know, that old and young men cannot sustain the same fatigue in marching and other service; as a proof of this, it was asked, if an officer would not always prefer an army of men, from the ages of twenty-one to thirty-one, to one composed of men of all ages from eighteen to forty-five? It was added that most of the celebrity which had been obtained by the Emperor of France, as a warrior, had been owing to this mode of drawing out the strength and flower of the population of the country, in preference to the old mode of mixing all ages together.

It was further urged, that this classification must be agreeable to the citizens themselves who compose the different classes; as men of nearly the same age would be more likely to be pleased with each other's company, by having similar turns of thought and inclination; that stronger attachments were more likely to be formed amongst men of the same age, and pursuits, than could be made where the disparity of age was greater—that the habits and dispositions of the old and the young never accorded well together. That this classification would certainly tend to render the militia more effective; would comply with the first and last injunctions of the great Father of his Country, General WASHINGTON; and in proportion as the militia system was improved, in the same degree would a standing army become unnecessary.

In favor of arming the militia, it was said, that it having been provided by the Constitution, "the right of the people to keep and bear arms shall not be infringed," it was the duty of Congress to provide them; as, if it were left to the people themselves, experience had shown, that some citizens will provide themselves with arms, and some will not, and that those which they get will be of various sizes and qualities, unfit for military service, where all the muskets ought to be of precisely the same calibre. Besides, that this mode of procuring arms operates very unequally, as it lays the same burden on the poor as on the rich—is a kind of poll tax, the most oppressive of all others. For surely nothing can be more unjust, than that the poor man, who, if there be any fighting, will have to do it, should be forced to purchase himself arms, when, perhaps, he finds great difficulty to procure bread for himself and family, whilst the rich man, who can always hire a substitute to fight for him, is called upon to do no more, in the way of tax, than his poor neighbor. The injustice of this is so glaring, that the law, in many parts of the country has not been complied with.

In consequence of this unequal tax and because

the arms cannot, in some parts of the country be procured, the militia are, in certain parts of the United States, particularly in the Middle and Southern States, very imperfectly armed. Some of the State Legislatures have endeavored to remedy this defect, by manufacturing or purchasing arms, and loaning them to the militiamen, either by putting them into their hands for a limited time, or by placing them in armories, and handing them out occasionally when wanted. In both which cases inconvenience had been experienced. Where the arms were put into the hands of the individuals, many of them were lost or disposed of; and when they were kept in depots, many were spoiled or greatly injured by rust.

This bill, it was stated, was calculated to do away all these difficulties and inconveniences, by putting suitable arms into the hands of every free, white young man in the United States, when he arrives at the age of eighteen years, at the public expense; so that, by degrees, the whole nation would become armed. The idea of arming the nation at the public expense was not new; it had been acted upon in the year 1808, by passing a law, appropriating \$200,000 annually for the purchase of arms, to be placed in the hands of the Executives of the several States, in proportion to the population of each, to be distributed by them amongst the militiamen, or kept in armories, as they might judge most expedient. This appropriation, however, was inadequate to the object, nor was the mode of distribution approved.

This bill, therefore, proposed originally to appropriate \$400,000 annually, in addition to the former appropriation (but in the course of the debate \$400,000 was stricken out and \$200,000 inserted) for the same object, but instead of placing the arms at the disposition of the several State Governments, it proposed to place them immediately in the hands of the militiamen themselves. And as the plan embraced the whole United States, it would make no difference, whether a man who received these arms continued to reside in the same place, or removed to another—wherever he went, within the United States, the arms would be equally useful for the public service.

It was believed, that by placing the arms in the hands of the citizens themselves, they would consider them as their property, and take care of them as such; and they would become better acquainted with the use of them than if they were only put into their hands occasionally. Besides, it would be more strictly complying with the Constitutional provision, "that the right of the people to bear arms shall not be infringed." Having them in possession, they would be ready for any emergency which might occur.

It was supposed that from fifty to sixty thousand stand of arms would be wanted annually; the procuring of which, it was believed, would be attended with no difficulty, as within the last year there had been manufactured at private manufactories, within the United States, about thirty thousand stands, which, by holding out proper encouragement to the manufacturers, it was supposed, might be doubled. Government had made

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about thirty thousand stands annually at the manufactory at Harper's Ferry, which, by proper exertions, might probably, also, be doubled; so that the arms wanted, if this bill passed into a law, might be got from either source. And when the nation shall be thus armed, said the advocates of this bill, who will dare to molest us? The country will be safe from any enemy within or without. The Government would have nothing to fear from a standing army, or from an ambitious military chief. A well-informed people, understanding their rights, with arms in their hands, cannot be subdued. They are invulnerable. And being the real sovereigns of the country, Government has nothing to fear from them, because the Government is, and will be, at all times, what they please to make it.

Reference was had, as an illustration of the efficiency of an armed people, to the capture of Burgoyne, by the people of New England, and to all the other acts of bravery of the Revolution. Give the people but arms, said they, and the Republic is safe.

The passage of this bill was opposed by Messrs. MITCHELL, BOYD, PITKIN, NELSON, FINDLEY, TALLMAGE, LAW, QUINCY, BIGELOW, MOSELEY, RHEA, STURGES, POTTER, and WIDGERY, principally on account of the classification. Several of these gentlemen expressed a willingness to vote for arming the militia, if that was presented to them in a separate bill; and an unsuccessful attempt was made, on motion of Mr. NELSON, to recommit the bill for the purpose of amending it. The objections made to the classification were, that it threw too great a burden on that portion of citizens who are between the ages of twenty-one and thirty-one; that citizens in good health, from eighteen to twenty-one, and from thirty-one to forty-five, are as able to perform militia duty as any others; that this classification would lessen the effective strength of the country. It was contended that it would break in upon the settled habits of the people, and derange all their present plans, with which they are very well satisfied. That in the Eastern States, especially, the militia are not only armed, but well disciplined, and will not approve of such a change as is proposed. It was said, that this classification was calculated to produce bickerings and dissatisfaction among the people, by being divided, some into a favored, and others into an overburdened class. That they would not see the justice of such a division. A man, a few months older or younger than his neighbor, with whom he had been used to perform equal burdens, would not like to be called out for twelve months, and sent wherever the President might direct, while his more fortunate neighbor, if older, would be subject only to a six months' tour in his own, or an adjoining State; or, if younger, subject only to a three months' tour in his own State. It would not satisfy him to be told, that when he arrived at the age of thirty-one, he would also be in a more favored class. That time might never arrive to him, or it might arrive when his service would be no longer wanted.

It was objected against this plan of classification, and calling out one description of citizens to the exclusion of others, that it had too much resemblance to the conscriptions of the Emperor of France, which were too odious to be imitated by the freemen of this country.

It was doubted by some (by Mr. MITCHELL particularly) whether it might not be rather a disadvantage than an advantage, to divide the youths and the elderly citizens from the junior class. It was thought to be an advantage to the youth to associate with men of experience, part of whom might have seen some military service, and be able to give valuable instructions to their young friends, not only in their military duty, but in taking care of their health, their persons, &c. That much mischief might ensue from youths being encamped together, without any persons of riper age to restrain the thoughtless levities incident to that season of life.

It was contended, that this bill proposed no improvement to the militia system; it contained no provisions for producing any better discipline than at present exists. The objectors, therefore, saw no use in passing the bill.

With respect to that part of the bill which went to arming the militia, it was stated to be unnecessary for the Eastern States, as the militia were already well armed, and that young men, when they arrived at the age of eighteen, would provide themselves with arms, as their fathers had done before them.

This provision was said to be unnecessary on another ground. A law had been passed by Congress in 1808, appropriating \$200,000 annually for the purchase of arms, for the purpose of arming the militia. Six hundred thousand dollars have therefore already been appropriated for this purpose. By this law, it is provided, that the arms shall be distributed to the Executives of the several States, agreeably to their respective population, to be by them disposed of as they judge proper; and this mode of disposing of the arms was thought to be far preferable to the mode proposed in the present bill. If the arms be put into the hands of individuals, Government may calculate upon a loss of at least ten per cent. annually.

It was contended that the arms for which it is now proposed to appropriate money, will be of no use in the present contest. They are to be put into the hands of the youths of eighteen, who are to stay at home. It will be some years, therefore, before any considerable number of the arms would be brought into use.

It was said that this appropriation would be altogether unnecessary, if the citizens of other parts of the United States had complied with the laws of Congress as punctually as the people to the Eastward had done; but, if this bill were passed, no man would hereafter think of purchasing his own arms. All would look to the Government of the United States for a supply; and though the appropriation for the present be reduced to \$200,000, as it is provided that every youth arriving at the age of eighteen years shall

have arms put into his hands, the appropriation must hereafter be made commensurate with the object.

Many objections were made to the details of the bill, respecting the regulations which were thought necessary by the Military Committee, for preserving the arms within the States; by means of fines, &c. It was doubted whether Congress had a right to impose fines on the militia while remaining in the States to which they respectively belong. The phrase "militia of the United States," was objected to. It was contended that the militia was the "militia of the several States," until called into the service of the United States.

MR. FINDLEY'S remarks were as follows:

Mr. F. said that he had voted against the motion for striking out the first section of the bill in order to give an opportunity to those who supported it, and for whose opinions he had great respect, to make such alterations and amendments as the House might approve of, he having long wished for such an improvement of the militia as would give it a more powerful impression without rendering it more burdensome; but, after all the amendments that had been made to the bill, it still appeared to him that this bill essentially deranges the old established militia system without an equivalent advantage. It does not improve the discipline. It does not provide for strengthening the impression of the militia on any emergency, but weakens it. It increases the inequality of the unavoidable burden of militia duty, and increases the service and the labor of the returning officers without an equivalent.

Mr. F. said he had been acquainted with militia service when it was much called on, and could not be dispensed with. He had served in the militia along with men fifty years of age, and with boys of sixteen, agreeably to the law then existing, and did not find that the eldest failed in their duty from age, nor the youngest from their youth, except that he observed that the young were more liable to diseases when they were prevalent in camp; but the existing militia law obliges none above forty-five years, nor under eighteen, and within those ages all healthy sound men are capable of militia service. In case of war—a case for which we are now providing—the militia are liable to sudden calls on emergencies which require the strongest possible united impression, but the bill before the House weakens that united impression by more than the half. Of twenty-seven years of human life by law devoted to militia service, by the bill before the House, seven years of the above are to be excluded from making such impression, for though they still are subject to militia duty, it is under such provisos and limitations as in many instances must prevent an united impression without the least improvement in discipline. A militia classed by different ages has been long recommended by very respectable authority. It was recommended by the old Congress to the State Legislatures, accompanied with a plan digested by Baron Steuben. It was brought before Congress during

General WASHINGTON'S Presidency, and has been discussed by Congress during every succeeding Administration; but the plan, as he recollected it, provided that young men from eighteen to twenty-five years of age should be formed into a select corps, and that, for the purpose of discipline, they should, with their respective officers, do camp duty during three months, annually, at the public expense, and afterwards to be free from militia duty, except in actual service. Agreeably to this plan the militia would in due time have been all equal to veteran soldiers with respect to the important acquisition of discipline, but the present bill provides for no advantage in discipline. All the classes on the proposed system are to remain equally undisciplined. The systems formerly proposed were rejected, among other reasons, because, by putting young men in a separate corps, without mixture of men of more confirmed habits, they would probably fall into habits of dissipation, &c. The proposed system is still so much more objectionable on that ground as that when they are called into actual service they will contain a less portion of men of years of discretion and experience. They will be all boys.

Militia laws are of such a nature as that it is impracticable to render the burden perfectly equal. All able-bodied men must render personal service in the public defence, whether they are rich or poor, married or single. This is the nature of all conscriptions, by whatever names they may be called in different nations. The further these conscriptions extend over the mass of society, the law approaches the nearer to equal justice. It is much more unjust to lay the whole burden of general effective service on those alone between twenty-one and thirty-one years of age, than on all those able to serve between eighteen and forty-five years, because in the latter case it will be divided among a much greater number, and, consequently, be the easier borne. The restrictions in the proposed system which go to prevent one portion of the militia from being marched out of the State, and the largest portion from being marched further than the next adjoining State, might destroy the impression that ought to be made in some very improbable emergencies.

It is proper, however, to examine the superior advantages that are contained in the proposed system to counterbalance the above-mentioned defects. The increased length of time for the tour of actual service, Mr. F. said, was a very essential advantage. Of this he had had so much experience as, to his own conviction, amounted to demonstration. The usual tour of actual service during the Revolutionary war was only two months; the enemy always watched the changes and took advantage of them; this, to his own knowledge, occasioned the loss of many lives, and also prevented the undertaking of many important enterprises. He said he had served with the militia in a tour of five months in the most doubtful period of the war, and if not the most arduous campaign in which the greatest privations were suffered, it was at least the most sickly and mortal. It was in the Fall and Winter of

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1776, and during that service he knew of no desertion nor anxiety to leave the service until they had served out the time for which they had engaged, but after that, nothing could induce them to continue longer.

In a two months' tour, in which he afterwards bore a part, and at the commencement of which they suffered a considerable loss of men, they served out an active tour with cheerfulness, but when that was done all the influence of a popular commanding officer, assisted by other officers, could not induce them to continue a few days longer. They said that they had cheerfully risked every danger, in which many of their numbers had been killed or taken prisoners, but that it would be tempting Providence to do more than the law made their duty.

Their tour of service should be for the campaign, but they ought to be paid a full equivalent for their loss of labor at home; by doing this the public would be gainers compared with paying for their travelling to camp and returning home again every two months as formerly, and the uncertainty of the time of their arrival at camp.

Mr. F. said he had always been solicitous to have the whole body of the militia armed, but had always wished to have this done under the authority of the respective States, and that the arms should be the property of those who used them. With this view he had opposed a resolution proposed in the second Congress for arming at the expense of the United States. He had thought that every citizen possessing his own arms was the greatest security of Republicanism, but the hopes of this taking place, even in his own State, having been so long disappointed, he was willing now that they should be armed by the United States rather than be unarmed. The honorable member from South Carolina, (Mr. WILLIAMS,) yesterday, seemed to take what the honorable member from Connecticut (Mr. PERRY) said, respecting the States not arming their militia, amiss, and as applicable solely to the Southern States. Mr. F. said, that he took it as applicable to Pennsylvania as much as any other State. He was not, however, offended at what had been said, but was sorry and ashamed that the militia of Pennsylvania were but partially armed. The measures about which Congress have been and are engaged, being professedly for war, the arming of the militia proposed by the bill could have no relation to war, because these arms could not on that plan be employed in war till after a number of years passes, and added nothing to the present defence of the nation; therefore, from conviction of its impropriety, he must vote against engrossing the bill, but hoped another short bill would be brought forward prescribing the tours of service and providing for arming the militia to be employed.

MARITIME DEFENCE.

The bill making a further appropriation for the defence of our maritime frontier, was read the third time; and, on the question "Shall the bill pass to its third reading?"

Mr. B. HALL called the yeas and nays upon the question. He stated that he had two objections to the passage of this bill; the one was, that the objects on which the expenditures were to be made were not specified; the other was, that, in our present circumstances, it would be improper, in his opinion, to appropriate so large a sum of money as a million of dollars, to be expended at the discretion of the Secretary of War. He thought the money could be more usefully employed.

Mr. RHEA also spoke against the passage of the bill.

It was defended by Messrs. CHEVES, MITCHILL, TALLMADGE, POTTER, WRIGHT, SHEFFEY, and WINGERY, who stated that the appropriation was called for by the proper authority; that New York and Rhode Island had been mentioned by the Secretary of War as requiring a part of the expenditure, but that the appropriation was intended to be left at large, to be used as the President of the United States might think proper, and according to existing circumstances; that it was impossible, at this time, to foresee what might be necessary in this respect; and that the President, who is intrusted with the use of the military force of the country, might very well be intrusted with the expenditure of this money, or any part of it, on such fortifications as he might deem it necessary to erect or repair.

The question on the passage of the bill was carried—yeas 88, nays 25, as follows:

YEAS—Willis Alston, jr., William Anderson, Stevenson Archer, Ezekiel Bacon, John Baker, Burwell Bassett, William W. Bibb, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Lewis Condit, John Davenport, jr., John Dawson, Samuel Dinsmoor, Elias Earle, William Ely, James Emott, William Findley, James Fisk, Asa Fitch, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Felix Grundy, John A. Harper, Aylett Hawes, Richard Jackson, jun., William R. King, Abner Lacock, Lyman Law, Joseph Lefever, Joseph Lewis, jr., Peter Little, Robert Le Roy Livingston, William Lowndes, Thomas Moore, Archibald McBryde, William McCoy, Arunah Metcalf, James Milnor, Samuel L. Mitchell, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Thomas Newton, Stephen Ormsby, Israel Pickens, James Pleasants, jun., Benjamin Pond, Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, William M. Richardson, Henry M. Ridgely, John Roane, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, John Sevier, Adam Seybert, Daniel Sheffey, George Smith, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, George M. Troup, Charles Turner, jr., Pierre Van Cortlandt, jr., Laban Wheaton, Leonard White, David R. Williams, William Widgery, Thomas Wilson, Richard Winn, and Robert Wright.

NAYS—David Bard, Adam Boyd, Robert Brown, Matthew Clay, James Cochran, William Crawford, Roger Davis, Bolling Hall, Obed Hall, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Aaron Lyle, George C. Maxwell, Samuel McKee, James Morgan, Thomas Newbold, William Piper, John Rhea, William

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Military Establishment, &c.

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Rodman, Ebenezer Seaver, Samuel Shaw, John Smilie, William Strong, and Robert Whitehill.

MILITARY ESTABLISHMENT, &c.

The unfinished business of yesterday being postponed, the House went into Committee of the Whole on the bill making appropriations for the Military Establishment of the United States for the year 1812; the bill making appropriations for six companies of mountain rangers, for the year 1812; and the bill making appropriations for the support of an additional military force, for the same period. The Committee having filled up the blanks in the several bills, they were reported to the House. The House took them up, concurred with the Committee in the amendments, and ordered the bills to be engrossed for a third reading to-morrow.

The House again resolved itself into a Committee of the Whole on the bill making appropriations for the support of the Navy for the year 1812. The Committee having gone through the bill, reported it to the House with amendments. The House considered the amendments, agreed to them, and ordered the bill to a third reading on to-morrow.

When the Committee of the Whole came to fill up the blank which contains an appropriation including "forage for Staff,"

Mr. D. R. WILLIAMS moved to strike out this item. He knew no occasion that officers of marines had for forage. He considered it a wasteful expenditure.

MESSRS. BASSETT and LITTLE said these marines were employed on land as well as at sea, and were sometimes called from one part of the United States to another.

The motion was negatived—45 to 43.

THURSDAY, February 6.

Mr. MORROW presented the memorial of a number of persons, complaining of the present mode of disposing of the public land; stating that they are poor, and suffering, while thousands of acres of land, the property of the United States, are lying unoccupied; that they consider every man entitled by nature to a portion of the soil of the country; that no man ought to possess more than two hundred acres; and pray for relief.

Mr. M. proposed to refer this petition to the Committee on the Public Lands. The motion was first rejected; but, on Mr. M.'s expressing a wish that this petition might have a reference, and moving to refer it to a select committee, stating the petitioners to be numerous, and formed into a society, called the "True American Society," partly living in the western part of Pennsylvania, Ohio, and Illinois Territory, a member who voted against the reference, moved to reconsider the vote, which was done, and the memorial was referred.

Mr. POINDEXTER presented a memorial from the Mississippi Legislature, praying for an extinguishment of certain Indian titles to lands in that Territory.—Referred.

The bill making appropriations for the mounted rangers; the bill making appropriations for the Military Establishment; the bill making appropriations for the Navy; and the bill making appropriations for the additional military force, were severally read the third time, and passed.

Mr. CONDIT said, that it might not be considered that those who voted against the passage of the bill for classing and arming the militia, were unfriendly to arming the militia, and believing there was a considerable majority of the House in favor of arming, he moved the following resolution; which was agreed to:

"Resolved, That the Committee on Military Affairs be directed to report a bill making provision for arming the militia of the United States."

On motion of Mr. MORROW, the House went into a Committee on the bill authorizing the Secretary of the Treasury to locate certain lands reserved for Jefferson College, in the Mississippi Territory; which was reported without amendment, and ordered to be engrossed for a third reading.

On motion of Mr. GHOLSON, the House resolved itself into a Committee of the Whole on the bill for the relief of Selah Benton. The Committee, after considerable debate, agreed to allow him a pension of twenty dollars per month. It appeared from the debate, that Captain Benton served the United States faithfully through a great part of the Revolutionary war; that, having received no wound in the service, he did not come within the law of Congress, providing for persons of that description. But, it was stated that he contracted a disease in the service, which had disabled him ever since from performing any kind of labor; that he is now seventy-two years old, and very poor.

The claim was supported by Messrs. GHOLSON, MITCHELL, WRIGHT, GOLD, TALLMADGE, WIDGERY, and NELSON; and opposed by Messrs. ROBERTS, WILLIAMS, ALSTON, SMILIE, BACON, and MACON.

The Committee rose and reported the bill, but the House did not act upon it.

Mr. WILLIAMS, from the Committee on Military Affairs, reported a bill authorizing a detachment of the militia of the United States. [The detachment is proposed to consist of 100,000 men.] Twice read and committed.

Mr. W. said, he was also directed by the same committee to offer a resolution for the adoption of the House, in relation to the bill for classing and arming the militia, rejected yesterday, owing to the absence of members from the House (for counting the whole House there would have been a majority of seven members in its favor.) Believing that the efficiency of the militia very much depended upon their being classed and armed, and it having been suggested as an argument against the passage of the bill that it would not be well received by the people, the committee wish that the people may have an opportunity of being made acquainted with the principles of the bill; and, for that purpose, he moved the following resolution:

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Disabled Officers and Soldiers.

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"Resolved, That the Clerk of this House be directed to publish in all the newspapers in which the laws of the United States are published, the bill for classing and arming the militia of the United States, as engrossed and read a third time on the 5th instant."

This resolution was objected to, as establishing a precedent that might hereafter be attended with much trouble and expense; as, whenever a favorite bill was lost, its friends would want to send it out to the people in this way; it was objected, also, that it might by some be mistaken for a law, instead of a rejected bill. The motion was disagreed to.

DISABLED OFFICERS AND SOLDIERS.

On motion of Mr. DAWSON, the House took up the report of the Committee of the Whole, made some time ago, on the bill for the relief of infirm, disabled, and superannuated officers and soldiers.

Some objections to the bill were made by Mr. ROBERTS, in which he expressed his apprehensions that persons who are on the pension lists of the several States might take advantage of this bill, and so receive a double allowance; at the same time that there are other persons, with families, entitled to relief, who could not join this invalid corps. Mr. R. said, the measure would be attended with great expense, and, except he received more light on the subject than he possessed, he should vote against it.

The bill passed to a third reading—yeas 84, nays 38, as follows:

YEAS—John Baker, Burwell Bassett, Abijah Bigelow, James Breckenridge, William Butler, Epaphroditus Champion, Matthew Clay, Lewis Condit, John Davenport, jr., John Dawson, Joseph Desha, William Findley, James Fisk, Thomas Gholson, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Felix Grundy, Aylett Hawes, Richard M. Johnson, Lyman Law, Joseph Lefever, Joseph Lewis, jr., Peter Little, Robert Le Roy Livingston, Aaron Lyle, Thos. Moore, James Milnor, Samuel L. Mitchell, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Anthony New, Stephen Ormsby, William Piper, James Pleasants, junior, Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, William Reed, Henry M. Ridgely, Samuel Ringgold, John Sevier, Adam Seybert, George Smith, John Smith, Philip Stuart, Lewis B. Sturges, Laban Wheaton, Leonard White, Thomas Wilson, Richard Wiinn, and Robert Wright.

NAYS—Willis Alston, jr., Stevenson Archer, Ezekiel Bacon, David Bard, William W. Bibb, Adam Boyd, Robert Brown, John C. Calhoun, Langdon Cheves, James Cochran, William Crawford, Roger Davis, Samuel Dinsmoor, Meshack Franklin, Bolling Hall, Obed Hall, John A. Harper, Jacob Hufty, John M. Hyneman, Richard Jackson, jr., William R. King, William Lowndes, Samuel McKee, Alexander McKim, James Morgan, Thomas Newbold, John Rhea, Jonathan Roberts, William Rodman, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Smilie, Richard Stanford, Silas Stow, William Strong, Uri Tracy, and Robert Whitehill.

FRIDAY, February 7.

Mr. KING presented a petition of John Rutherford, of the State of North Carolina, by his attor-

ney in fact, John London, praying permission to bring into the said State sundry negro slaves, at present on an estate belonging to him in one of the British Bahama islands, which negroes were formerly taken from the State aforesaid to the said island.—Referred to a select committee.

Mr. KING, Mr. MOORE, and Mr. DAVENPORT, were appointed the committee.

A message from the Senate informed the House that they have passed a bill "respecting the enrolling and licensing of steamboats;" to which bill they desire the concurrence of this House.

Mr. GHOLSON, from the Committee of Claims, made a report on the petition of William Dent Beall, which was read; when Mr. GHOLSON presented a bill for the relief of Lieutenant Colonel William D. Beall; which was read twice, and committed to a Committee of the Whole on Monday next.

The bill from the Senate, "respecting the enrolling and licensing of steamboats," was read twice, and committed to the Committee of Commerce and Manufactures.

An engrossed bill, authorizing the Secretary of the Treasury to locate the lands reserved for the use of Jefferson College, in the Mississippi Territory, was read the third time, and passed.

Another message from the Senate was read, informing the House that they had postponed the further consideration of the bill for establishing a quartermaster's department until the first Monday of December next.

Mr. WILLIAMS thought the Senate had taken a very extraordinary course. They passed a bill for establishing a quartermaster's department, and sent it to this House; this House passed the bill with an amendment; and now they inform the House they have postponed the amendment to the first Monday in December, and thus destroyed the bill. He thought this was an unprecedented and indecorous course, and ought not to be acceded to.

Mr. ALSTON said the practice was not unprecedented; he had known several instances of the same kind.

The SPEAKER said there could be no question on the subject. The Senate had thought proper to take this course, and it could not be objected to by this House. Whether it was decorous or not, was not a question to be inquired into now.

The House resolved itself into a Committee of the Whole on the bill authorizing the President to make a detachment of the militia.

[This bill authorizes the calling out of one hundred thousand militia, and appropriates one million of dollars. The bill is similar to the former laws on this subject, except that it contains no provision for accepting of volunteers.]

It was ordered to a third reading, without amendment.

The House went into a Committee on the bill to establish a land district in the Illinois Territory, &c. The bill was reported without amendment, and ordered to a third reading.

The House went into a Committee on the report of a select committee, allowing the legal rep-

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representatives of the officers and soldiers who fell at the battle of Tippecanoe certain bounties. After some time spent upon the report, Mr. JENNINGS moved to change the allowance reported by the committee from money to land. The chairman of the select committee not being present, on motion of Mr. GRUNDY, the Committee rose, and obtained leave to sit again.

The bill for the relief of Selah Benton was ordered to a third reading, 71 votes to 31, the yeas and nays being taken.

The House took up the report of the Committee of the Whole, made some days ago, on the bill to ascertain the western boundary of a tract of land reserved for the officers and soldiers of the Virginia Continental line. The report was agreed to, and the bill ordered to a third reading.

The House went into a Committee, on the report of the Committee of Commerce and Manufactures, on a report on the case of Stephen Kingston, of Philadelphia. This is an old drawback case, which has been before Congress ever since the year 1803. It appeared Mr. K. had failed to comply with certain requisites of the law, which were stated to be absolutely necessary to prevent fraud. The Committee of Commerce and Manufactures reported favorably, and the Committee of the Whole agreed to the report; but the yeas and nays being called, the House refused to concur—55 to 44.

MONDAY, February 10.

Mr. MAXWELL presented to the House a letter from Jonathan Coleman, an American seaman, impressed on board a British ship of war; stating the manner of his impressment, and claiming the interference of the Government in procuring his release.—Referred to the Secretary of State.

Mr. WILLIAMS, from the committee appointed on that part of the President's Message which relates to filling the ranks and prolonging the enlistments of the regular troops, and to an auxiliary force, to the acceptance of volunteer corps, and to detachments of militia, reported the bill from the Senate "making further provision for the Corps of Engineers," with several amendments; which were read, and, together with the bill, committed to a Committee of the Whole to-morrow.

On motion of Mr. RHEA, a committee was appointed to inquire whether any, and, if any, what, amendments are necessary to the laws relating to the time fixed by law for annually holding the Circuit Courts of the United States in the district of East Tennessee; to report thereon by bill, or otherwise.

Messrs. RHEA, DESHA, and MORROW, were appointed the committee.

The bill authorizing a detachment of militia; the bill for the relief of Captain Selah Benton; the bill to establish a land district in the Illinois Territory, east of the district of Kaskaskia, and to attach certain lands to the district of Jeffersonville; and the bill to ascertain and establish the western boundary of a tract of land reserved for

settling the military bounties allowed to the officers and soldiers of the Virginia line on the Continental Establishment, were read the third time, and passed.

DEATH OF GENERAL BLOUNT.

Mr. MACON called the attention of the House to the informal proceedings of Saturday, occasioned by the death of his friend and colleague, General THOMAS BLOUNT, which he moved might be entered on the Journals. The motion was *unanimously* agreed to, and they were entered as follows:

"HOUSE OF REPRESENTATIVES,

Saturday, February 8, 1812.

"In consequence of the death of General THOMAS BLOUNT, last evening, at eight o'clock, a member of the House of Representatives from the State of North Carolina, of which Mr. Blackledge communicated information to the Speaker, he requested the attendance of the members in the Chamber of the House of Representatives on this day at twelve o'clock; and, a quorum having accordingly assembled, he addressed them as follows:

"Of the distressing event, gentlemen, which has deprived this House of one of its most valuable members, and a disconsolate wife of one of the tenderest of husbands, you have all heard. The usage of the House of Representatives, in paying the last sad respect to departed worth on such occasions, I have no doubt, accords with the sentiments of every one of you. To enable you to execute this melancholy duty, your informal attendance has been requested. You will, therefore, take such order as may seem to you proper.

"Whereupon, on motion of Mr. Williams,

"1. *Resolved, unanimously*, That a committee be appointed to take order for superintending the funeral of General Thomas Blount, late a representative from the State of North Carolina.

"Mr. Macon, Mr. Alston, Mr. Blackledge, Mr. Cochran, Mr. Franklin, Mr. King, Mr. McBryde, Mr. Pearson, Mr. Pickens, Mr. Sawyer, and Mr. Stanford, were appointed the said committee.

"2. *Resolved, unanimously*, That the members of this House will testify their respect for the memory of General Thomas Blount, late one of their body, by wearing crape on the left arm for one month.

"3. *Resolved, unanimously*, That a message be sent to the Senate to notify them of the death of General Thomas Blount, late a member of this House, and that his funeral will take place to-morrow morning, at ten o'clock."

On motion of Mr. MACON,

Resolved, That the Speaker give information to the Executive of the State of North Carolina of the vacancy in this House, occasioned by the death of General THOMAS BLOUNT, late one of the Representatives from that State.

DISABLED OFFICERS AND SOLDIERS.

The bill for the relief of disabled and superannuated officers and soldiers was read the third time; and on the question being put, "Shall the bill pass its third reading?" it was opposed by Messrs. STOW, ALSTON, and RHEA, and supported by Messrs. GOLD and WRIGHT.

Mr. DAWSON.—When this bill was before the Committee of the whole House, it will be remem-

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bered that I invited, that I *solicited* the friendly aid of all to amend its defects, and to render as efficacious as possible a system which seems to meet with the approbation of all, and the want of which has so long disgraced the country, and daily presents to you, even at the portals of your Capitol, the aged, infirm, and superannuated soldier, shivering in the blast, and, like Belisarius the Great, asking in vain for the "crumbs which fall from the rich man's table."

No proposition of amendment was made, except one by an honorable gentleman from Pennsylvania, which, I believe, his candor induced him to withdraw, and one by an honorable gentleman from South Carolina, supported by his honorable neighbor from North Carolina, to which I assented, and it forms part of the bill.

When the Committee rose, the bill was, on my motion, contrary to practice, laid on the table for three days, for the avowed purpose of enabling gentlemen to search out its defects. These three days were extended to three weeks; owing to the pressure of public business, and, perhaps, to my not being able to call it up, in consequence of my indisposition. It was taken up on last Wednesday or Thursday, and passed to its present stage, without any propositions to amend, on the motion then, and, for the accommodation of the venerable gentleman from Tennessee, its third reading was postponed.

This, sir, is the history of the bill, and after the delays which have taken place, and the many opportunities which have been given to amend it, particularly to the gentleman from Connecticut, whom I know to be a military man, and whose friendly aid I did invite to amend its defects, I do not think it fair, candid, or liberal, to attack the bill in detail at this stage, when its defects cannot be remedied. I will, however, endeavor to remove the objections stated by the honorable gentleman from Connecticut. [Here Mr. D. proceeded to show that the last clause gave to the President the power of fixing the rank and grade of the officers who would receive pay according to that rank; and, that the requisites in the fifth clause were so numerous and strict that it would be impossible for any person to get into the corps without he was justly entitled.]

Mr. Speaker, I ought here to ask pardon of the venerable gentleman from Tennessee for having omitted to mention that, when in Committee of the Whole, some amendments were proposed by that gentleman and rejected without a division. I might, perhaps, be pardoned by the House, should I improve this opportunity, and express to that gentleman the high sense which I entertain for his eminent services; but, sir, when I reflect on the sublimity and extent of his genius, the mind exerted flies back on itself, and is rendered unequal to the task.

The politeness and urbanity of his manners, the grace and dignity of his elocution and attitudes, while they entrance the imagination and rivet the attention of all who hear him, assure a rich feast to the understanding. With a heart

truly benevolent, he daily enlightens the path of this bewildered House on every subject of legislation which is brought before them. Not content with traversing these States from one extreme to the other, and opening an easy communication through that country where the untutored savage reigns—with establishing offices in the various posts, from which his speeches in this House, and other *useful* information, is conveyed to every class of our fellow-citizens—his mighty genius soars to far other objects. At one moment we behold him rapidly descending from the summit of Spencer's mountain,* bounding over this immense plain, marshalling the military force of the United States according to order—regulars, volunteers, and militia—and fixing to each its Constitutional limits; thence marching to the Heights of Abraham, capturing and captivating all who behold him, and there plucking the unfading laurel from the brows of Montgomery and Wolfe. We next behold him visiting our seaport towns in the most courteous manner, and, with gunboats and bombs, erecting fortifications which shall defy the united armadas of Europe. Nay, sir, we see him boldly adventuring on the watery deep, and there, to the astonishment of the flinty tribe, building a ship,† the like of which was never seen, and far surpassing in size any ever contemplated by the inhabitants of that country which gave birth to the celebrated Don Quixotte and the renowned Sancho Panza, and which the great Bonaparte now endeavors in vain to subjugate to his arms.

Mr. Speaker, while inclination and justice call on me to pay my homage, and this tribute, to the superior talents of the venerable gentleman from Tennessee, candor obliges me to declare that he has not discovered on this occasion that perspicuity which in general marks his character. With a soul, no doubt honest and honorable, to render service to this meritorious and long neglected class of our fellow-citizens, he has adopted the best means to defeat them. *His ingenuity alone could have invented them*; and, sir, I do assert that, should that bill fail, and these poor fellows be delayed in receiving that pittance which it proposes to give them, it must, it will be attributed to the aid which they have received from that venerable gentleman.

Mr. TALLMADGE spoke in favor of the bill generally, but objected to certain parts of the details. On which account, Mr. GOLD moved to recommend the bill. This motion was negatived—50 to 37; and afterwards the bill was lost—yeas 47, nays 57, as follows:

YEAS—William Anderson, John Baker, Burwell Bassett, William Blackledge, Jas. Breckenridge, Elijah Brigham, William Butler, Matthew Clay, John Dawson, James Fisk, Asa Fitch, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Felix Grundy, Obed Hall, Aylett Hawes, Lyman Law, Joseph Lewis, jr., Robert Le Roy Livingston, Thomas

*A very high mountain in Tennessee.

† On the Navy bill, Mr. RUSA proposed to build the largest ship which ever was, and which should beat all others.

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Moore, Archibald McBryde, James Milnor, Jeremiah Morrow, Jonathan O. Mosley, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, James Pleasants, jr., Josiah Quincy, William Reed, Henry M. Ridgely, Samuel Ringgold, John Sevier, Adam Seybert, Daniel Sheffield, George Smith, John Smith, Philip Stuart, Lewis B. Sturges, John Taliaferro, Laban Wheaton, Leonard White, Thomas Wilson, and Robert Wright.

NAMEs—Willis Alston, jr., Stevenson Archer, William W. Bibb, Adam Boyd, Robert Brown, William A. Burwell, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, James Cochran, Lewis Condit, William Crawford, John Davenport, jr., Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, Meshack Franklin, Peterson Goodwyn, Isaiah L. Green, Bolling Hall, John A. Harper, Jacob Hufty, John M. Hyne-man, Joseph Kent, William R. King, Abner Lacock, William Lowndes, Aaron Lyle, George C. Maxwell, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Morgan, Thomas Newbold, Israel Pickens, William Piper, Benjamin Pond, William M. Richardson, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, John Smilie, Richard Stanford, Silas Stow, Samuel Taggart, Uri Tracy, Charles Turner, jr., Pierre Van Cortlandt, jr., Robert Whitehill, David R. Williams, and William Widgery.

BATTLE OF THE WABASH.

The House again resolved itself into a Committee on the report of a select committee on certain petitions in relation to the affair on the Wabash; when Mr. JENNINGS' amendment, which proposed allowing the widows, &c., of the slain officers and soldiers bounties in land, instead of money, was negatived. The resolutions allowing the bounties, pensions, &c., as recommended by the select committee, were all agreed to. The report of the Committee of the Whole was concurred in by the House, as follows:

1. *Resolved*, That one month's pay ought to be allowed, in addition to the common allowance, to the officers, (according to the rank which they held,) the non-commissioned officers, and privates, of the regulars, volunteers, and militia, and to the legal representatives of those who were killed, or have since died of their wounds, composing the army under the command of Gov. Harrison, in the late campaign on the Wabash.

2. *Resolved*, That five years' half pay ought to be allowed to the legal representatives of the officers, (according to the rank which they held,) the non-commissioned officers, and privates, of the volunteers and militia, who were killed in the battle of the seventh of November, one thousand eight hundred and eleven, or who have since died of their wounds.

3. *Resolved*, That provision ought to be made by law to place on the pension list of the United States the officers, (according to the rank which they held,) the non-commissioned officers, and soldiers, of the volunteers and militia, who served in the late campaign on the Wabash, under the command of Governor Harrison, who have been wounded or disabled in the said campaign.

4. *Resolved*, That provision ought to be made by law to pay for the horses and other property of individuals lost in, or in consequence of, the said battle.

5. *Resolved*, That the further time of — years ought to be allowed to the officers and soldiers who

were wounded, and to the legal representatives of those who were killed in the said battle, to complete the payments due, or which may fall due to the United States, on any purchase of the public lands made by them before the said battle.

Ordered, That a bill be brought in, pursuant to the said resolutions; and that the committee appointed on that part of the President's Message which relates to Indian affairs do prepare and bring in the same.

TUESDAY, February 11.

The SPEAKER laid before the House a resolution of the Legislature of the State of Georgia, ratifying and confirming an amendment proposed by Congress to the Constitution of the United States, relative to titles of nobility; which was read, and ordered to lie on the table.

Mr. NEWTON, from the Committee of Commerce and Manufactures, to whom was referred the bill from the Senate "respecting the enrolling and licensing of steamboats," reported the same without amendment.

Ordered, That the said bill be committed to a Committee of the Whole House on Thursday next.

Mr. WILLIAMS, from the committee appointed on that part of the President's Message which relates to detachments of militia, and to such a preparation of the great body as will proportion its usefulness to its intrinsic capacity, presented a bill supplementary to "An act making provision for arming and equipping the whole body of the militia of the United States;" which was read twice, and committed to a Committee of the Whole to-morrow.

On motion of Mr. WILLIAMS,

Resolved, That the committee appointed on so much of the Message of the President as relates to military affairs, be directed to inquire into the expediency of authorizing the enlargement of the armories of the United States, and the establishment of an additional number; and that they have leave to report by bill, or otherwise.

Mr. WRIGHT, from the committee appointed on the petition of Arthur St. Clair, reported a bill for the relief of Arthur St. Clair; which was read twice, and committed to a Committee of the Whole to-morrow.

A message from the Senate informed the House that the Senate have passed the bill "for the more convenient taking of affidavits and bail in civil causes depending in the Courts of the United States," with amendments; to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole, on the bill for the relief of the Board of Commissioners west of Pearl river. The Committee reported the bill without amendment, and it was ordered to a third reading. [This bill merely goes to allow the commissioners for a certain number of days which they sat beyond the period contemplated in the law under which they acted.]

The House went into a Committee on the bill

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for the benefit of Christopher Miller, which was reported without amendment, and ordered to a third reading. [This bill allows C. Miller 950 acres of land for services performed under General Wayne.]

The House went into Committee, on the report of the Committee of Claims, on the petition of John Murray, who prayed for the settlement of certain loan office certificates.

After some debate on this report, it was observed, that this claim came properly under the description of those claims, respecting which the Committee of Claims had made a report to the House, recommending the repeal of the statute of limitations. It was therefore moved, that the Committee rise and ask leave to sit again, in order to afford an opportunity of going into a committee on that report.—Carried.

MARRIAGE LICENSES.

The House went into a Committee on the bill relating to marriage licenses, in Washington county, in the District of Columbia, and directing the application of the tax thereon.

Mr. DAWSON moved to strike out the first section of the bill, with a view to destroy it, as it contained a principle which he did not wish to see adopted.

Mr. LEWIS said the bill proposed no new tax. The laws of Maryland already impose a tax of four dollars upon every marriage license, and marriage licenses issued in Washington county are now subject to this tax; this bill went only to appropriate the money for the promotion of learning in the District.

Mr. CLAY (the Speaker) knew not which most to admire, the conduct of the opposer or supporter of this bill. If he understood the gentleman last up, there is at present a law taxing marriages, but no authority to collect the tax, which is the same as if there was no law on the subject. As he thought with the gentleman first up, that marriages ought not to be taxed, but promoted, he should vote with him for striking out the first section of the bill.

Mr. SMILIE said, it was a little singular that one *bachelor* should support this bill, and another oppose it. He hoped, however, there would be no difference of opinion amongst the *married* members on this subject. He would be in favor, rather of giving a *bounty* on marriages, than of laying a *tax* upon them. The citizens of Washington wishing to raise money in this way to support their academy, put him in mind of what happened long ago in England. When the building of a mansion house was in agitation, the party in power determined to get the funds for the purpose out of the dissenters. They therefore laid a tax upon any dissenters who refused to suffer their names to be held up for certain offices; and another tax on those who were elected, and refused to take the sacrament in a manner which their consciences forbade. He would prefer a tax on *bachelors* over twenty-five, to a tax on marriages, and this would include *both* the gentlemen.

The section was struck out, there being forty-seven members for it.

The Committee rose and reported the amendment; and after some humorous observations in favor of retaining the section, by Mr. MILNOR, the House concurred with the Committee in striking out the section. Of course the bill was lost.

REVOLUTIONARY CLAIMS.

The House resolved itself into a Committee of the Whole, on a report of the Committee of Claims recommending certain claims, (including the different species of liquidated claims) to be exempted from the operation of the statute of limitation. It was found that the Committee of the Whole had agreed to this resolution; but that there was another in the following words, referred to the same Committee, not acted upon.

"Resolved, That the Committee of Claims be instructed to inquire into the merits of all claims which may be referred to them, which originated during the Revolutionary war, notwithstanding such claims may be barred by the statute of limitation, and that they report their opinion thereon to the House."

The Committee took this resolution into consideration, and after considerable debate, in which Messrs. GHOLSON, CLAY, WRIGHT, FISK, and GOLD, supported, and Messrs. STANFORD, SMILIE, ALSTON, BOYD, and ROBERTS, opposed the resolution, it was carried, 52 votes being for it.

The Committee rose and reported the resolution to the House; but no decision was taken upon it before the House adjourned.

WEDNESDAY, February 12.

Mr. TROUP presented to the House a resolution of the General Assembly of the State of Georgia, approbatory of the measures pursued by the General Government in relation to our foreign concerns, and declaratory of their determination to support such measures as may be adopted to maintain the rights and honor of the country.—Referred to the committee appointed on that part of the President's Message which relates to foreign relations.

Mr. DESHA presented several petitions of sundry inhabitants of the United States, praying that the lands belonging to the United States may be leased out to persons applying for that purpose, for a certain number of years, and at a certain price per year, to be fixed upon by Congress.—Referred to the Committee on the Public Lands.

On motion of Mr. BURWELL,

Resolved, That the Secretary of War be directed to lay before this House a list of persons on the pension list, the State or Territory in which they live, and the amount annually allowed each person by law.

An engrossed bill for the relief of the Board of Commissioners west of Pearl river, was read the third time, and passed.

An engrossed bill for the relief of Christopher Miller was read the third time, and passed.

The House proceeded to consider the amend-

ments of the Senate to the bill "for the more convenient taking of affidavits and bail in civil causes depending in the Courts of the United States;" which were concurred in by the House.

Mr. TALLMADGE, from the committee to whom was referred the report of the Postmaster General respecting the repairs of the public building, called "Blodget's Hotel," reported a bill supplementary to an act providing for the accommodation of the General Post Office, the Patent Office, and for other purposes; which was twice read, and committed.

DRAWBACK OF DUTIES.

Mr. NEWTON, from the Committee of Commerce and Manufactures, made an unfavorable report on the petition of George R. Rapelye, and others, of the city of New York; which was concurred in by the House. The report is as follows:

The petitioners state, that their respective firms purchased of the firm of Ingraham, Phoenix, and Nixsen, goods, entitled, on exportation, to the drawback of duties, and which the petitioners purchased and exported under the persuasion that the debentures which issued from the custom-house would be duly paid.

In this calculation they have been disappointed, as the firm of Ingraham, Phoenix, and Nixsen, which imported the goods, and entered the same for exportation, has since failed, without paying the duties, amounting to about ninety-six thousand dollars, to the United States. The petitioners solicit Congress to pass an act directing the collector of the customs for the port of New York to pay the debentures which they hold, notwithstanding the duties have not been paid by the firm of Ingraham, Phoenix, and Nixsen, the importers of the goods.

If Congress refuse to accede to this solicitation of the petitioners, they then pray that an act may pass to authorize them to institute a suit against the collector for the port of New York, for the amount of the debentures, inasmuch as the non-payment of the duties by the firm of Ingraham, Phoenix, and Nixsen, is fairly chargeable to the negligence of the collector, in not taking responsible sureties to the duty bonds.

The committee can see no ground on which the first proposition can be supported; the law, in letter and spirit, is opposed to it. The law says: "In no case of an exportation of goods shall a drawback be paid, until the duties, on the importation thereof, shall have been first received." No duties, on the goods imported by the firm of Ingraham, Phoenix, and Nixsen, have as yet been paid, or are likely, as the committee understand, to be paid; the petitioners, therefore, are not entitled to receive the amount of their respective debentures. The law, as it stands, clearly evinces the soundness of the principles, on which it is founded; no case could have occurred more apposite to prove the necessity of such a provision for the security of the Treasury.

The drawback of duties is allowed on two grounds: first, the exportation of goods within twelve months, calculating from the time of entry; and, secondly, on the payment of duties to the United States, before, or after, such exportation.

The goods may be exported, but, if the duties, on their importation, are not paid, there can be no legal right to demand the payment of the debentures. The

wise framers of the law never intended that a system, which they constructed for the encouragement of commerce and enterprise, should operate in such a way as to drain the Treasury. To sustain the present application, would, undoubtedly, produce this effect.

The second proposition cannot, in any view in which it can be presented to the mind, be considered as tenable. The collector is responsible for the omission of such duties as the law prescribes: in this case, if he has omitted to perform a duty assigned to him, the United States are alone the loser—the petitioners only fortuitously so—an accident against which speculations cannot be secured. The remedy of the petitioners is against the sellers of the merchandise. If the petitioners fail in obtaining redress against the firm of Ingraham, Phoenix, and Nixsen, in the responsibility of which they confided, their case is remediless. The committee cannot transcend the limits of the Constitution, or the sound and correct principles of jurisprudence, in recommending the passage of a law which shall be ended with a retroactive operation. They, therefore, submit the following resolution to the House:

Resolved, That the petitioners have leave to withdraw their petition.

UNITED STATES' BANK NOTES.

On motion of Mr. BACON, the House went into a Committee of the Whole, on the bill to repeal the tenth section of the act establishing the Bank of the United States.

Mr. BACON said, that the Committee of Ways and Means had thought it necessary to bring forward this bill, in consequence of a decision which had been made in the Circuit Court of Virginia, that the notes issued by the Bank of the United States are still a tender in payments to the collectors and other officers of the United States. The committee do not know on what ground this opinion was given; they had conceived that as the limitation of the law had expired, no part of it could still have force. But, as this opinion has been given by the Chief Justice of the United States, it produces great inconvenience to the officers of the United States, as the notes of the several branches, say Charleston, Savannah, New Orleans, &c., will be paid only at the branches from which they issue.

Some irregular debate took place on the propriety of passing the bill at all. It was contended that the whole law having expired, it was altogether unnecessary, not to say improper, to pass a bill to repeal a section of that law. It was replied by the Chairman of the Committee of Ways and Means, and others, that as the passing of the bill would prevent any further trouble to the public officers, and it could have no influence on anything which had heretofore taken place, its passage was desirable.

The Committee rose, and the House ordered the bill to a third reading.

SALARIES OF OFFICERS.

On motion of Mr. BACON, the House went into a Committee of the Whole on the bill to continue in force for a limited time the salaries of certain officers of Government therein mentioned.

Mr. BACON stated, that this bill was intended to continue in force a law passed in 1799, for in-

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creasing the salaries of the Heads of Departments, and other officers of the Government, which had been continued from time to time ever since. Mr. B. stated what the several salaries were before this law passed, and what they had been since, and left it for the Committee to decide on the propriety of passing the bill.

Mr. STANFORD disliked the phraseology of the limitation clause to this bill, which was "for three years and to the end of the next session of Congress thereafter." He said the bill might as well be made for four at once. He made two unsuccessful attempts to amend the bill in this respect.

Mr. S. then moved to amend the bill, by adding to the salary of the Postmaster General (over and above the argument included in the bill) five hundred dollars per annum; and to the first Assistant Postmaster General, three hundred dollars.

A division of the motion was called for, and the addition to the Postmaster General was carried, 58 to 24.

But the question being put on adding three hundred dollars to the salary of the first Assistant Postmaster General, it was opposed by Mr. BASSETT and Mr. LACOCK, and supported by Mr. TALLMADGE. On motion of Mr. KEY, who thought it would be well to take a longer time to consider the subject, the Committee rose and obtained leave to sit again.

THURSDAY, February 13.

On motion of Mr. SEAVER, the select committee were discharged from the consideration of the petition of Silas Stone, and it was referred to the select committee appointed on the bill from the Senate "to promote the progress of science and useful arts, by securing, for a limited time, to the inventors, the exclusive right to their respective discoveries."

Mr. McKIM presented a document in support of the petition of James H. McCulloch; which was referred to the Committee of the Whole on the report of the Committee of Ways and Means on the several petitions of the Collectors of Philadelphia, Norfolk, Plymouth, and Baltimore.

A message from the Senate informed the House that the Senate have passed the bill "making appropriations for the support of an additional military force," with an amendment; in which they desire the concurrence of this House.

On motion of Mr. WRIGHT, a committee was appointed to inquire into the expediency of rendering the Representatives Chamber more convenient to the despatch of public business, and of finishing the same.

On motion of Mr. POINDEXTER, the House took up for consideration the resolution, some time ago submitted by him, to instruct the Committee of Ways and Means to inquire into the propriety of prohibiting by law the corporation of New Orleans from exacting a tax or duty on vessels, boats, or other craft, descending the Mississippi, laden with produce, and touching at that place, &c.

This proposition was objected to by Mr. TROUP, principally because it appeared to him to be a subject for judicial investigation, and because the Territory of Orleans was not represented on this floor. It was supported by Messrs. POINDEXTER and McKEE, because the tax in question was a grievous one on the people of the Western country, and said to be unconstitutional, as being a tax on exports; which was a sufficient ground for inquiry into the subject. If the Territory should send a delegate to the present Congress, he would arrive in time for the final decision on the report of the committee proposed to be constituted, &c.

The resolution was agreed to by a considerable majority, and a committee of five accordingly appointed.

ARMING THE MILITIA.

The House resolved itself into a Committee of the Whole, on the bill providing for arming the whole body of the militia of the United States.

Mr. WILLIAMS explained the objects of the bill, and how the committee who reported it had endeavored to divest this plan of the features which were objected to when it was incorporated in the classification bill.

Mr. ROBERTS, after expressing his desire to vote for the bill, if it could be amended so as to secure its avowed object in the State which he represented, as well as in other States, which had already made provision for arming their militia, moved to amend the section for distributing the arms, by adding thereto the words "or in such manner as the Legislatures of the respective States or Territories may by law direct."

This motion was negatived, 43 to 40.

Mr. ROBERTS then moved to strike out the first section of the bill, with a view to destroy it; as he thought, in its present form, the carrying it into effect would be attended with great inconvenience. He particularly objected to the fines and penalties inflicted by the bill.

The motion was negatived, there being only twenty-six members in favor of it.

The Committee rose, and reported the bill to the House. The House took it up; when

Mr. ROBERTS renewed his motion, to add the following words to the section which directs the distribution of the arms; "as the Legislatures of the several States may by law direct."

Mr. TALLMADGE hoped that this amendment would be agreed to, in order to accommodate gentlemen whose States would prefer a different mode of distribution from that prescribed in the bill. He thought the main object was to get the arms; their distribution might be very well left with the several State governments. He should be sorry if the bill should be lost, by gentlemen's pertinaciously adhering to their own particular mode of distribution.

Mr. RANDOLPH was sorry that any difference of opinion should exist as to the mode of distributing these arms, and when gentlemen, in whose intelligence and integrity he had the utmost reliance, assured him that the mode of distributing the arms, proposed in the bill, would not be well

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received in their States, he could not but believe them, and was desirous of accommodating them. He, for one, wished to see these arms in the hands of those who were to use them; there were weighty reasons against placing them in arsenals in the Southern States; but he should be glad if the bill could be so arranged as to suit the views of all who were friendly to the measure.

The question was taken and carried—yeas 70, nays 41, as follows.

YEAS—Willis Alston, William Anderson, Stevenson Archer, John Baker, David Bard, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, William Butler, Epaphroditus Champion, Martin Chittenden, Matthew Clay, Lewis Condit, John Davenport, jun., Roger Davis, Elias Earle, William Ely, James Emott, William Findley, Asa Fitch, Thomas R. Gold, Felix Grundy, Obed Hall, John M. Hyneman, Richard Jackson, jun., Abner Lacock, Lyman Law, Joseph Lefever, Joseph Lewis, jun., Robert Le Roy Livingston, Aaron Lyle, William McCoy, Samuel McKee, Alexander McKim, James Milnor, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Thomas Newbold, Thomas Newton, Stephen Ormsby, William Piper, James Pleasants, jr., Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, John Rhea, John Roane, Jonathan Roberts, William Rodman, John Sevier, Daniel Sheffey, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, George M. Troup, Charles Turner, jun., Pierre Van Cortlandt, jr., Laban Wheaton, Leonard White, Robert Whitehill, William Widgery, and Thomas Wilson.

NAYS—Burwell Bassett, William Blacklodge, John C. Calhoun, James Cochran, William Crawford, Jos. Desha, Samuel Dinsmoor, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Bolling Hall, John A. Harper, Aylett Hawes, Jacob Hufty, Joseph Kent, William R. King, Peter Little, William Lowndes, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, Arunah Metcalf, Hugh Nelson, Anthony New, Joseph Pearson, Israel Pickens, William M. Richardson, Henry M. Ridgely, Samuel Ringgold, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, George Smith, Philip Stuart, Silas Stow, William Strong, David R. Williams, and Robert Wright.

After some objections by Mr. MILNOR to the details of the bill, particularly as to the fines and imprisonments imposed, and some debate upon an amendment which he proposed, but afterwards withdrew, the bill was amended at the instance of Mr. MILNOR, by adding to it the following proviso: "Provided, That no imprisonment directed by this act, shall, in any instance, endure for a longer term than three months."

The question was then put, "Shall the bill be ordered to be engrossed for a third reading?" when Mr. MAcon wished the decision of that question might be postponed till to-morrow; for, friendly as he was, and always had been, to the arming of the militia, an amendment had taken place which he disliked so much that he wished time to consider whether he ought now to vote for the bill.

And on motion, the House adjourned until to-morrow.

FRIDAY, February 14.

Mr. GHOLSON, from the committee, made a report on the petition of Lieutenant Simeon Knight, which was read; when Mr. GHOLSON presented a bill for the relief of Lieutenant Simeon Knight, which was read twice and committed to a Committee of the Whole on Monday next.

Mr. MORROW, from the Committee on the Public Lands, made a report on the petition of Thomas Orr; which was read, and the resolution therein contained concurred in by the House, as follows:

Resolved, That Thomas Orr, the assignee of Martin Andrews, be confirmed in the purchase of the southeast quarter of section number eleven, township number seven, and range second, in the Steubenville District, which purchase was made on the fourth day of May, 1811, at the rate of four dollars per acre.

The Committee on the Public Lands were instructed to bring in a bill, pursuant to the said resolution.

Mr. BURWELL moved that the petition of Peter Landais, presented some time ago, and at that time refused a reference to a select committee, be now referred to the Committee of Claims. This was objected to by Mr. GHOLSON, the chairman of that committee, who said this petition had been frequently before that committee, and reports made upon it. If it were referred at all, he hoped it would therefore go to a select committee. The motion to refer the petition to the Committee of Claims was negatived. A motion was then made to refer it to a select committee, and carried.

CLAIM OF THOMAS WILSON.

Mr. GHOLSON, from the Committee of Claims, made a report on the petition of Thomas Wilson; which was read; when, Mr. GHOLSON presented a bill for the relief of Thomas Wilson; which was read twice and committed to a Committee of the Whole on Monday next. The report is as follows:

That the petitioner claims an *additional allowance* for rations furnished to the troops of the United States in Louisiana, pursuant to a contract with the Department of War, dated the 3d of August, 1803. When the demand of the petitioner for extra allowance was presented at the War Department, it appears his accounts had been transferred to the accounting officers of the Treasury; and the Secretary of War observes that, "having duly considered the claim before mentioned, with all the circumstances accompanying the same," he conceives he is "not authorized to make any further allowance;" but he recommended to the Comptroller a suspension of legal proceedings against Mr. Wilson, until he could make application to Congress for relief. Upon the face of the contract there is nothing to support the demand of the petitioner. His claim is founded on two letters from General Dearborn, late Secretary of War, which are exhibited as evidence of an understanding between the Secretary and the petitioner at the time of the contract. In one of these letters, General Dearborn says to Mr. Wilson, "that it was undoubtedly intended to make you reasonable allowances for any unforeseen and unavoidable expenses that

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might become necessary for carrying into effect such parts of your contract as related to new posts that might be established within the limits of your contract in Louisiana." This letter is dated the 26th of April, 1811. In the other letter General Dearborn informs Mr. Eustis "that each of the posts in Louisiana, including New Orleans, might be considered as *new posts*." Thus the petitioner claims extra compensation for the supplies furnished by him at all the military posts in Louisiana, upon the allegation that, in furnishing them, he encountered "unforeseen and unavoidable expenses."

To sustain this allegation, the petitioner has adduced a variety of documents which satisfy the committee, that, in executing his contract, he was subjected to inconveniences, and must have incurred expenses not foreseen at the date of the contract. Supplies, in advance, for a much longer period than that mentioned in the contract were required, and, as the petitioner asserts, without the stipulated notice. The petitioner, it appears, was consequently compelled to procure the supplies at high prices in the neighborhood of the places where they were wanted, whilst, in a regular course of supply, he would have had time to have got provisions from the Western country, where they were cheap. The sudden augmentations and diminutions of the detachments for Orleans Territory, are, moreover, affirmed by the petitioner to have been causes of embarrassment and unforeseen expense.

Your committee, after a full examination of the subject, are of opinion that the petitioner is entitled to some additional compensation, to be adjusted by the accounting officers of the Department of War, upon such evidence as may be produced by the petitioner. They, therefore, ask leave to report a bill for his relief.

ARMING THE MILITIA.

The House resumed the consideration of the bill for arming the militia; when, on motion of Mr. MILNOR, an amendment was made to that section of the bill which inflicts a penalty on the representative of any deceased militiaman improperly withholding his arms.

Mr. M. CLAY stated that he yesterday voted in favor of an amendment to the bill, leaving it with the respective States or Territories to distribute the arms provided by this bill, in such manner as they may direct. He now wished to have that vote reconsidered, and moved to that effect.—The yeas and nays were called upon the question.

Mr. LACOCK observed, that as this was an important question, upon which, perhaps, the fate of the bill depended, he could wish to have it decided in a fuller House; there being barely a quorum of members present. He, therefore, moved that the House adjourn.—Carried.

MONDAY, February 17.

Mr. MORROW, from the Committee on the Public Lands, presented a bill giving a further time for registering claims to lands in the western district of the Territory of Orleans; which was read twice and committed to a Committee of the Whole on Thursday next.

Mr. KING, from the committee appointed the 7th instant, presented a bill to authorize John Rutherford, of the State of North Carolina, to

bring into the United States certain slaves therein named; which was read twice and committed to a Committee on the Whole to-morrow.

INCREASE OF REVENUE.

Mr. BACON, from the Committee of Ways and Means, made a report in relation to the revenue necessary for the present and two succeeding years, accompanied with a plan for raising the same; which was read, and committed to a Committee of the Whole on Monday next. The report is as follows:

The Committee of Ways and Means having taken into consideration the subject of the revenue and expenditure of the United States for the present and two succeeding years, in particular reference to a state of contemplated war during a greater portion of that period, ask leave to report—

That the ordinary expenses during the present year, grounded on the estimates already laid before Congress, are estimated as follows, viz:

Expenses of a civil nature both foreign and domestic	\$1,260,000
Army—exclusive of the additional military force authorized by the act of the present session, and including \$32,800 for the service of the militia in the years 1809, 1810, and 1811	2,581,000
Naval Department, including the Marine Corps	2,500,000
Arsenals, arms, ordnance, repairs of fortifications, &c., including \$200,000 permanent appropriations for the purchase and manufacture of arms	614,000
Indian Department	220,000
Interest on the public debt	2,225,000

Total ordinary expenses - - - \$9,400,000

That the actual receipts into the Treasury during the same year are estimated at - - - \$8,200,000

Leaving a deficit in the receipts of - - \$1,200,000

Which deficit may, however, be paid out of the moneys remaining in the Treasury at the close of the last year, leaving a sum of \$1,300,000 on hand, which, in the opinion of the Committee, it would not be prudent under existing circumstances, further to exhaust.

That the extraordinary expenses of the present year already authorized by law, or which by bills pending before Congress are in a course of authorization, are as follows, viz:

Ordnance and ordnance stores, camp equipage, and other quartermaster's stores	\$1,900,000
Six companies of mounted rangers	108,762
Additional military force	5,112,500
Repairing vessels out of commission and purchase of timber for naval purposes	680,000
Erection of additional fortifications	1,000,000
Calling out certain corps of volunteers	1,000,000
	10,801,332

Total extraordinary expenses say - - \$11,000,000

The whole of which sum it is necessary, and is ac-

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cordingly proposed, to raise by loan, conformable to the bill herewith reported by the committee.

That the amount of the principal of the public debt which is reimbursable during the same year, consisting of six per cent., deferred and exchanged stocks, is - - - - \$2,135,000

And in the event of stocks falling below par (thereby imposing upon the Commissioners of the Sinking Fund an obligation to purchase in order to satisfy the annual appropriation of eight millions of dollars for the reduction of the public debt) may amount to the further sum of - - - - 3,640,000

Total amount of the principal of the public debt which may become reimbursable during the present year - - - \$5,775,000

Which sum it is also proposed to authorize the Commissioners of the Sinking Fund to borrow, conformable to such bill as may hereafter be reported.

That the ordinary expenses of Government for the year 1813, may be estimated as for the present year, at about - - - - \$9,000,000

To which must be added the interest then accruing on the loan proposed to be authorized for the service of the present year, estimating the same at six per cent., and amounting to - - 660,000

Making the revenue necessary to be provided, for paying the ordinary expenses, and interest on loans for that year (and leaving the extraordinary expenses of the year also to be provided for by loans) - - - 9,660,000

That the receipts into the Treasury from the present sources of revenue during that year, calculating on a state of war during a greater portion of the present year, are estimated (conjecturally) at - - - - 3,100,000

Leaving a deficiency to be provided for by additional revenues to be received during that year, of - - - - 6,560,000

Estimating the ordinary expenses of 1814 as for the present year, at about - - 9,000,000

And adding the interest accruing on the loan proposed for the present year - - 660,000

And also the interest then accruing on the loan which in all probability may be necessary to cover the extraordinary expenses of 1813, and which it would not be prudent to calculate at less than eleven millions - - - 660,000

Making the revenue necessary to be provided for paying the ordinary expenses and interest on loans for that year (and leaving the extraordinary expenses of the year also to be provided for by loans) - - - 10,320,000

Estimating the receipts into the Treasury from the present sources of the revenue during that year at - - - 3,100,000

Leaving a deficiency to be provided for by additional revenues to be received during that year, of - - - - \$7,220,000

Under this prospective view of the financial situation of the Government, it became in the judgment of the committee their imperious duty, as well in reference to the obligations incumbent upon them from the general trust with which they were clothed, as also in deference to that portion of the Message of the President of the United States which had been specially referred to their consideration, to enter as early as possible upon a system of ways and means calculated to provide a revenue, "sufficient at least to defray the ordinary expenses of Government, and to pay the interest on the public debt, including that on new loans which may be authorized."

Any provision falling short of this requisition, would, in the opinion of the committee, betray an improvidence in the Government, tending to impair its general character, to sap the foundations of its credit, and to enfeeble its energies in the prosecution of the contest into which it may soon be driven in defence of its unquestionable rights, and for the repulsion of long continued and most aggravated aggressions. Should the ruinous system of relying altogether upon the aid of loans, for defraying not only the extraordinary expenditures of the present and succeeding years, but also a large portion both of the ordinary expenses of the Government, and the interest on the public debt, including that on new loans, be suffered to prevail, and no additional revenues be seasonably provided, it will result, that the loans which it may be necessary to authorize during the year 1813, must amount to at least \$17,560,000, and for 1814, to \$18,220,000; an operation which by throwing into the market so large an amount of stock, accompanied with no adequate provision for paying even the interest accruing on such as may be created, but relying altogether upon the decreasing ability to borrow for the purpose of paying such interest, must have a most unfavorable effect upon the general price of public stocks, and the consequent terms of the loans themselves. It may be added, that a system of that sort would, it is believed, be found to be altogether unprecedented in the financial history of any wise and regular Government, and must, if yielded to, produce, at no distant period, that general state of public discredit which attended the national finances during the war of the Revolution, and which notwithstanding the peculiar circumstances of the country, and want of a well organized and efficient Government during the period of that Revolution, could at all.

To have withheld from the public view a fair representation of the probable state of the fiscal concerns of the Government, under the very first pressure of war, or to have deferred submitting to the House a system as in the opinion of the committee was indispensable to place the revenues of the country on a basis commensurate with the public exigencies would, in their judgment, at once have evinced eyes of foreign nations an imbecility of action and design, the effects of which must be too obvious to be mistaken. And as it regards our own country, would have indicated a policy as feeble and short-sighted as it must have been considered deceptive and disingenuous—as unworthy the rulers of a free and enlightened nation, as in its result it would have been found fatal to its interests, and paralyzing to all its efforts. It is obvious that the whole amount which it is necessary

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to raise in order to meet the anticipated deficit of revenue for the ensuing years, is indeed "moderate when compared either with the population and wealth of the United States or with the burdens laid on European nations by their Governments."

To doubt either the "will or the ability" of the people of the United States to bear such burdens as are indispensable to this end, would be, to doubt their dispositions to meet seriously the contest which is presented to them, and would go far to prove that it had better not have been attempted.

To doubt the readiness of the Government to bring "promptly and efficiently" into action the necessary resources of the nation, would be to cast a distrust over the sincerity of those pledges which they have so recently and distinctly given to the world in that respect, and would imply a suspicion of their firmness or forecast not for a moment to be entertained.

For a more full and distinct elucidation of the general subject which it has become the duty of the committee to present to the House, they beg leave to refer to the letter of the Secretary of the Treasury, in answer to the several inquiries made of him by their order, and which has heretofore been laid before the House; concurring as they most fully do in the general opinion expressed by him, "That what appears to be of vital importance is, that the crisis should at once be met by the adoption of efficient measures, which will with certainty provide means commensurate with the expense, and by preserving unimpaired instead of abusing that public credit on which the public resources so eminently depend, will enable the United States to persevere in the contest, until an honorable peace shall have been obtained."

It is then proposed by the committee, that the additional revenue which will be necessary "to defray the ordinary expense of Government, and to pay the interest on the public debt, including that on new loans which may be authorized," should be immediately provided for in the following modes, viz:

1st. Additional duties of imposts and tonnage.

1st. An increase of the duties now payable by law on imported merchandise calculated to yield a net revenue of - - - - -	\$2,500,000
2d. A further retention on the amount of all drawbacks allowed by law on the exportation of goods, wares, and merchandise, calculated to yield a net revenue of - - - - -	100,000
3d. An additional tonnage duty on American and foreign vessels, calculated to yield a net revenue of - - - - -	200,000
4th. A duty on all salt imported, calculated to yield a net revenue of - - - - -	400,000
Total net amount of revenue estimated from additional duties of imposts and tonnage - - - - -	3,200,000

2d. Internal duties.

1st. A duty on licenses to distil spirits from foreign and domestic materials, calculated to yield a gross revenue of - - - - -	\$275,000
2d. A duty on licenses to retailers of wines, spirits, and foreign merchandise, including tavern-keepers, calculated to yield a gross revenue of - - - - -	500,000

3d. A duty on sales at auction of foreign merchandise and of vessels, calculated to yield a gross revenue of - - - - -	\$150,000
4th. A duty on all sugars refined in the United States, calculated to yield a gross revenue of - - - - -	200,000
5th. A duty on carriages used for the conveyance of persons, calculated to yield a gross revenue of - - - - -	150,000
6th. A duty on various instruments of writing, to be collected by means of stamps, calculated to yield a gross revenue of - - - - -	450,000

Total gross amount of revenue estimated from internal duties - - - - -	1,725,000
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3d. Direct tax.

A direct tax to be laid and apportioned among the several States according to the rule prescribed by the Constitution, gross amount - - - - -	3,000,000
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Total gross amount estimated to be received from internal duties and direct tax, when they shall be effectually organized, (or in 1814,) - - - - -	4,725,000
Deduct expense of assessment, collection, and losses, at about 15 per cent. - - - - -	700,000

Net amount estimated from internal duties and direct tax for 1814 - - - - -	4,025,000
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Net amount estimated from additional duties of imposts and tonnage, internal duties, and direct tax for 1814 - - - - -	7,225,000
But which on account of the ineffectual organization of the internal duties and direct tax may not yield, in 1813, that amount by a sum of - - - - -	650,000

Leaving the net amount estimated for 1813 - - - - -	6,575,000
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And for this purpose the Committee recommend to the House the adoption of the following resolutions, viz:

1. *Resolved*, That an addition of one hundred per cent. be made to the several rates of permanent duties now imposed by law on all goods, wares, and merchandise, imported into the United States.

2. *Resolved*, That twenty-five per centum be retained on all the drawbacks allowed by law on the exportation of goods, wares, and merchandise, exported from the United States.

3. *Resolved*, That additional tonnage duties be laid at the following rates, viz:

1st. On all vessels licensed for the coasting trade or fisheries, twenty cents per ton a year.

2d. On all other vessels owned by citizens of the United States, twenty-five cents per ton on the entry of the vessel.

3d. On all foreign vessels, one dollar and twenty-five cents per ton on the entry of the vessel.

4. *Resolved*, That a duty of twenty cents per bushel be laid upon all salt imported into the United States.

5. *Resolved*, That duties be laid on licenses to distil spirits, at the following rates, viz:

1st. On stills employed in distilling spirits from

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foreign materials, at the rate of seventy-five cents per gallon on the capacity of such stills.

2d. On stills solely employed in distilling spirits from domestic materials, at any distillery at which there are one or more stills of more capacity together than one hundred and fifty gallons, at the rate of fifty cents per gallon on the capacity of such stills.

3d. On other stills solely employed in distilling spirits from fruit, at the rate of five dollars on each still a year.

4th. On other stills solely employed in distilling spirits from any domestic materials, at the rate of fifteen dollars on each still a year.

6. *Resolved*, That duties be laid on licenses to retailers of wines, spirits, and foreign merchandise, including tavern keepers, at the following rates, viz:

If in cities, towns, or villages, containing more than one hundred families—

1st. On retailers of foreign merchandise, including wines and spirits, twenty-five dollars.

2d. On retailers of wines alone, twenty dollars.

3d. On retailers of spirits alone, twenty dollars.

4th. On retailers of domestic spirits alone, fifteen dollars.

5th. On retailers of foreign merchandise other than wines or spirits, fifteen dollars.

If in any other place than cities, towns, or villages, containing more than one hundred families—

1st. On retailers of foreign merchandise, including wines and spirits, fifteen dollars.

2d. On retailers of wines and spirits, fifteen dollars.

3d. On retailers of domestic spirits alone, ten dollars.

4th. On retailers of foreign merchandise other than wines and spirits, ten dollars.

7. *Resolved*, That duties be laid on sales at auction of foreign merchandise, for every hundred dollars of the purchase money, two dollars; and on sales at auction of ships or vessels, for every hundred dollars of the purchase money, twenty-five cents.

8. *Resolved*, That a duty of four cents per pound be laid on all sugars refined in the United States, allowing a drawback on the exportation of the same.

9. *Resolved*, That duties be laid on carriages used for the conveyance of persons, at the following rates:

1st. On every coach, chariot, and postchaise, twenty-five dollars.

2d. On every phaeton, and on every coachec, having panel work in the upper division thereof, fifteen dollars.

3d. On every four-wheel carriage hanging on steel springs, ten dollars.

4th. On every four-wheel carriage hanging upon iron or wooden springs, and on every two-wheel carriage, with a top, or hanging on steel or iron springs, five dollars.

5th. On every other four or two-wheel carriage, three dollars.

10. *Resolved*, That stamp duties be laid on the following instruments of writing, viz:

1st. On all notes payable to bearer or order, issued by any bank or bankers, at rates on an average of one dollar for every hundred dollars, with an option to pay, in lieu thereof, $2\frac{1}{2}$ per centum on their dividends.

2d. On all notes of hand, above fifty dollars, payable to bearer or order, having one or more endorsers, at an average of five cents for every hundred dollars.

11. *Resolved*, That three millions of dollars be raised by a direct tax, to be apportioned among the

several States agreeably to the rule prescribed by the Constitution.

12. *Resolved*, That each State be authorized to pay the amount of its quota to the United States, with a deduction of fifteen per cent. if paid before the assessment is commenced, and of seven and a half per cent. if paid before the tax becomes due.

13. *Resolved*, That all the duties above enumerated, and the tax aforesaid, shall be laid and become payable only after the United States shall have become engaged in a war with a foreign European nation, or shall have authorized the issuing of letters of marque and reprisal against the subjects of such nation.

14. *Resolved*, That the said duties and tax shall continue until one year after the conclusion of peace with such foreign nation and no longer.

Mr. BACON, from the committee, then presented a bill authorizing a loan for a sum not exceeding — millions of dollars; which was twice read, and committed to a Committee of the Whole on Monday.

THE MILITIA.

The House resumed the consideration of the bill for arming the militia of the United States, when Mr. CLAY's motion, made to reconsider the amendment which had been agreed to, putting it in the power of the respective States to distribute the arms as they thought proper, came under discussion. It was supported by Messrs. MACON, SMILIE, STOW, FISK, and LITTLE, and opposed by Messrs. ROBERTS, TALLMADGE, WIDGERY, RHEA, and MCCOY.

It was argued in favor of a reconsideration, that this amendment might defeat the object of the bill, which was to put arms into the hands of every young man when he attained the age of eighteen; that this amendment placed it in the power of the State Legislatures to lay up the arms in an armory, or to put them into the hands of a favored party; instead of arming the nation, the arms might be locked up from the people; it would be arming the Government against the people, and not placing the people in a situation to defend themselves against any oppression with which they might be menaced from whatever quarter it might come. Allusions were made to the period when McPherson's *Blues* threatened the peace of the city of Philadelphia, and to the Embargo times, in order to show that the arms would be safer in the hands of the people than laid up in armories by the States.

Against the reconsideration it was contended, that the respective State Legislatures might safely be trusted with the power of distributing these arms; that they never could be supposed to become the oppressors of the people, since they were annually elected by the people; that the probability was, that they would distribute the arms among the citizens in such a manner as each State would deem best calculated to render the militia efficient. As to the instances of improper conduct in a small number of individuals, alluded to, no danger could ever be apprehended from such momentary delusions.

The question for reconsideration was negatived—yeas 52, nays 62, as follows:

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YEAS—Willis Alston, jun., William Anderson, Burwell Bassett, William W. Bibb, William Blackledge, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, William Crawford, Joseph Desha, Samuel Dinsmoor, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Aylett Hawes, Jacob Hufty, Joseph Kent, William R. King, Peter Little, William Lowndes, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, Samuel McKee, Arunah Metcalf, James Morgan, Hugh Nelson, Stephen Ormsby, Joseph Pearson, Israel Pickens, James Pleasants, jr., Wm. M. Richardson, Henry M. Ridgely, Samuel Ringgold, Jno. Roane, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Samuel Shaw, John Smilie, George Smith, John Smith, Silas Stow, William Strong, Robert Wright, and David R. Williams.

NAYS—Stevenson Archer, John Baker, David Bard, Abijah Bigelow, Adam Boyd, James Breckenridge, Elijah Brigham, William A. Burwell, William Butler, Epaphroditus Champion, Martin Chittenden, Lewis Condit, John Davenport, jun., Roger Davis, Elias Earle, William Ely, James Emott, Asa Fitch, Thos. R. Gold, Charles Goldsborough, Edwin Gray, Obed Hall, Richard Jackson, jun., Abner Lacock, Lyman Law, Joseph Lefever, Robt. Le Roy Livingston, Aaron Lyle, William McCoy, Alexander McKim, James Milnor, Samuel L. Mitchell, Jeremiah Morrow, Jonathan O. Moseley, Anthony New, Thomas Newbold, Thos. Nowton, William Piper, Timothy Pitkin, jun., Benjamin Pond, Elisha R. Potter, William Reed, John Rhea, Jonathan Roberts, William Rodman, John Sevier, Adam Seybert, Daniel Sheffield, Richard Stanford, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, George M. Troup, Charles Turner, junior, Pierre Van Cortlandt, junior, Laban Wheaton, Leonard White, Robt. Whitehill, William Widgery, and Thomas Wilson.

Mr. WILLIAMS moved to amend the bill, by adding a proviso to the amendment above alluded to: "Provided such directions shall not contravene the provisions contained in the first section of this act." [Which directs that every citizen arriving at the age of eighteen shall be put in possession of a stand of arms.]

This motion was negatived—yeas 54, nays 55, as follows:

YEAS—Willis Alston, junior, William Anderson, Burwell Bassett, William W. Bibb, William Blackledge, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, William Crawford, Joseph Desha, Samuel Dinsmoor, James Fisk, Meshack Franklin, Thomas Gholson, Isaiah L. Green, Bolling Hall, Obed Hall, Aylett Hawes, Jacob Hufty, Joseph Kent, William R. King, Joseph Lefever, Peter Little, William Lowndes, Nathaniel Macon, George C. Maxwell, Thomas Moore, Samuel McKee, Arunah Metcalf, Jas. Morgan, Jeremiah Morrow, Hugh Nelson, Stephen Ormsby, Joseph Pearson, Israel Pickens, William Piper, James Pleasants, jun., Peter B. Porter, Wm. M. Richardson, Henry M. Ridgely, Samuel Ringgold, John Roane, Ebenezer Sage, Ebenezer Seaver, Saml. Shaw, John Smilie, George Smith, John Smith, Richard Stanford, Silas Stow, William Strong, David R. Williams, and Robert Wright.

NAYS—Stevenson Archer, Ezekiel Bacon, John Baker, David Bard, James Breckenridge, Elijah Brig-

ham, William A. Burwell, William Butler, Epaphroditus Champion, Martin Chittenden, Lewis Condit, John Davenport, jun., Roger Davis, William Ely, Jas. Emott, William Findley, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Felix Grundy, Richard Jackson, jun., Abner Lacock, Lyman Law, Joseph Lewis, jun., Aaron Lyle, William McCoy, Alexander McKim, James Milnor, Samuel L. Mitchell, Jonathan O. Moseley, Thomas Newbold, Thomas Newton, Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, William Reed, John Rhea, Jonathan Roberts, William Rodman, Thomas Sammons, John Sevier, Adam Seybert, Daniel Sheffield, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, George M. Troup, Charles Turner, jr., Laban Wheaton, Leonard White, Robert Whitehill, Wm. Widgery, and Thomas Wilson.

A motion was then made by Mr. B. HALL, to amend the section by adding to the end thereof, the following proviso:

"Provided, That the regulations made by any State or Territory shall not extend further than to cause the arms to be taken care of; and, from time to time, to cause the same to be repaired and put in complete order."

Before a question was taken on this amendment, the House adjourned.

TUESDAY, February 18.

Mr. MORROW, from the Committee on the Public Lands, presented a bill for the relief of Thos. Orr; which was read twice, and committed to a Committee of the Whole on Monday next.

The House proceeded to consider the amendment of the Senate to the bill "making appropriations for the support of an additional military force;" and the amendment being read, was concurred in by the House.

The House resolved itself into a Committee of the Whole, on the bill authorizing the Secretary of the Treasury, under the direction of the President of the United States, to purchase of Winslow Lewis his patent right for a new mode of lighting light-houses; which, being amended, and an appropriation of \$60,000 made, the bill was reported to the House, agreed to, and ordered to be engrossed for a third reading.

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Mr. PORTER, agreeably to notice, offered to the House the following resolution:

Resolved, That a committee be appointed to prepare and report a bill authorizing the President of the United States to engage, commission, and organize a provisional military force of twenty thousand men, in addition to the force already authorized by law.

The House agreed to consider the resolution. Mr. PORTER said, that the resolution did not describe very definitely the species of force proposed to be raised. He had purposely couched it in broad and general terms, to prevent any embarrassment to the committee, should one be appointed, whose duty it would be to prepare the bill. He would, however, submit to the House, more minutely his own views in making the proposition. His object was to provide a force sim-

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ilar to the one proposed to be raised by the first volunteer bill reported by the Committee on Foreign Relations, and which unfortunately, in his opinion, had been abandoned for one of a different description. His wish was to raise a temporary force for immediate service, and applicable to any military object which the Government might feel disposed to accomplish before the Army of 25,000, whose formation would be necessarily tardy, could be prepared for effective service. He wished to hold out an invitation to the enterprising young men who compose the volunteer militia, who already possess some knowledge of military tactics; and who, from patriotic motives, will cheerfully offer their services for a short period and for a definite object; but who will not submit to the drudgery of a camp for five years. He wished it to be distinctly understood, that his object was to make the services of the proposed corps contingent—not to be employed unless in the opinion of the Executive they should be necessary, and not to be paid except when in actual service. This would prevent any unnecessary expense to the Government.

Mr. P. hoped his proposition would be met in the same spirit of candor in which it was offered. He was satisfied that on the success of this or some similar measure, the lives and fortunes of many of his immediate constituents, and of many other good people of the United States, were, in the event of a war with Great Britain, suspended. If we could repose any confidence in our own acts and declarations, we had already brought ourselves to the verge of such a war, and Great Britain is by this time fully apprized of our intentions. What would be her course of conduct on the occasion? Would she remain supine and inactive, and suffer her territories to be wrested from her, and her subjects butchered, without making an effort at resistance? No, this was not the character of our enemy. In the numerous wars in which she had been engaged, she had rarely been known to give the second blow. And if we continued to go on preparing for war in the good natured, desultory way we had hitherto pursued, he greatly feared that, by and by, and when we least expect it, we shall receive a stroke which this nation may long have occasion to lament; and for which, if justly imputable to our tardiness and indecision, we could never be forgiven. He would not accuse any honorable member of apathy to the interests of the nation, but he feared we did not realize, as we ought, the highly critical situation in which our measures had placed it. The business of making war was not to be trifled with; it was time we should understand each other. Mr. P. said he had not the honor to be distinguished for making high-toned war speeches. He confessed that it was not without hesitation and reluctance that he had brought himself to consent that the nation should abandon its present peaceful, and, in many respects, prosperous condition, for the uncertainties of war. But having, in common as he trusted, with a large majority of the House, satisfied himself that there was no other course to pursue consistently with the es-

sential rights and interests of an independent nation, he was disposed to commence and prosecute war, in the only way in which war could be successfully prosecuted, with vigor and decision. If this course had not been, or should not be pursued, the responsibility would not rest upon his shoulders.

Mr. P. said he felt it his duty, unpleasant as it was, to repel a charge which had been made against one description of the members of the House, and in which he might be supposed to be implicated. It had been more than once insinuated that the members from the interior are most eager for war, because they would be least exposed to its calamities. The remark might have been better spared. It was, as to himself at least, wholly without foundation. His residence was on the Niagara river, directly opposite to the point where the whole of the physical force of Upper Canada was concentrated. He lived within reach of the guns of a British fort; and no man, in proportion to what he had to risk, would put more at hazard than himself in the conflict which is to ensue. He would say, too, (not, however, by way of begging quarters from the Canadians, for he should never do that,) that he had many valuable friends in Canada—men with whom he was in habits of almost daily intercourse, and for whom he entertained the warmest regard. These men knew that the course which he was pursuing in this House, in relation to Great Britain, did not proceed from hostility to them, nor to the people of the Canadas; but that it was dictated by the same love for the honor and prosperity of his country, which they felt for theirs, and without feeling which he should be unworthy of their friendship. Under such circumstances a war would be peculiarly distressing to him, as well on account of the exposed situation of himself and friends within the United States, as of those in Canada, and with whom it would bring him in collision. But he should feel himself unworthy the confidence of his country, if he could suffer such considerations to govern him in a great question involving the vital rights of the nation. The safety of himself and his constituents was bottomed on this belief, that, in case war is indispensable, it will be promptly undertaken, and speedily terminated; that it will be honorably, at the same time that it is vigorously conducted; and that it will not be disgraced by the savage barbarities and petty depredations, which too often characterize the wars carried on along the borders of neighboring and hostile nations.

Our professed object, at the outset of the war, was to attack the British provinces; and here, he was ready to agree, the enemy was most vulnerable to our power. What, then, he would ask the House, as practical men, was the best course to pursue to attain this object with the least sacrifice to ourselves? He possessed some knowledge of the situation and strength of the Canadas, which he had derived, partly from personal observation, and partly from the information of respectable men who reside there. The British have about five thousand regular troops in Que-

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bec. confined exclusively to the defence of that fortress. These they dare not march, in case of war, to any distance from Quebec, lest their retreat should be intercepted by a force, which could always be raised and sent in from the New England States, on a few days' notice. They could oppose no obstacle to the subjugation of the upper country. Independently of Quebec they had not more than two thousand or three thousand regular troops in both the Canadas, and these dispersed over a country as many miles in extent as there were numbers of men. They had no formidable fortifications. Most of the efficient force they could oppose to us, consisted in a raw and undisciplined militia of about twenty thousand, who were, in every respect, inferior to our own; inferior in arms and equipments, inferior in discipline, and, he might well say, inferior in national spirit. No reinforcement could be thrown in until the St. Lawrence becomes navigable, which will be about the last day of May; and we might safely calculate that no troops would reach the upper country before the first of July. Would it not, then be wise, (if our object really were to occupy the Canadas,) would it not be a saving of blood and treasure to calculate on an invasion before the time we had mentioned? We should all agree that it would; but, he would ask whether we had made any effectual provision for enabling the President to take such a course? We must attack Canada, if at all, with regular troops or volunteers, or both. When he spoke of regular troops in contradistinction to volunteers, he meant by the former, men on long enlistments, who make the profession of arms their regular business; and, by the latter, men engaged for a short period and for a definite object, although, strictly speaking, they were both regular troops and both volunteers. We had been told by some gentlemen, that the only proper force for this purpose was an army of regular troops; that they were more effective than volunteers; that it would be a wanton waste of the best blood of the country to send volunteers on such a service. He was ready to agree that regular troops were better than volunteers; but had we got them? We have passed a law to raise twenty-five thousand regular troops, but no reasonable man would say that they could be all raised in time to effect any important service during the present year. The officers were not yet appointed. The men were to be recruited in every part of the United States, from Maine to Georgia and Tennessee, and it would require some months, after their enlistment, to collect them together, and march them to some common place of rendezvous, on the enemy's lines. The question is not, then, the abstract one, whether regular troops are better than volunteers; but whether it is better to attack Canada with volunteers, while we have nothing to oppose us but militia, greatly inferior to our own; or whether it will be better to delay a year, and then make the invasion with regular troops, when we shall be met not only by regular, but by highly disciplined veteran troops, every way superior to ours, and they, too, aided by an improved militia, and the

fortifications which this lapse of time will have given them an opportunity to erect. During this interval, too, we should be exposed to the miseries of a savage war along our Western frontiers; and, on the North, to the predatory irruptions of the Canadians.

Mr. P. said, that he had never entertained any doubts on this subject; and, although he professed no skill as a military man, he could not hesitate in giving an opinion as to the course we ought to pursue. Let us, said he, raise fifteen or twenty thousand volunteers in the Northern and Eastern States. They may be easily obtained in companies, already associated, armed and disciplined, and ready to take the field by the middle of May. To these let us add six or eight thousand regular troops, or whatever number of the twenty-five thousand that shall then have been embodied. With this army we may overrun Canada, with the exception of Quebec, in a few weeks. Let the army descend to some point on the St. Lawrence between Montreal and Quebec; there let a military post be established, and the regular troops stationed; there the soldiers may have time to become dexterous artilleryists, and the officers practical engineers. And, when they shall have acquired a competent degree of skill and science in their profession, and have been joined by other regular troops, they may proceed at their leisure, to the siege and reduction of Quebec. As respects the injury to our enemy, Quebec were better in their hands than in ours. When its communication with the interior is cut off, the value of the Canadas will be lost to the British, and Quebec can only be supported at the immense expense of sending provisions from Europe. In the meantime, the volunteers may be detached from the Army, go into the New England States, be there reinforced, and proceed to the attack of Halifax and the Eastern provinces. The danger suggested the other day by the honorable gentleman from Georgia (Mr. Troup) of proceeding to Halifax, before the reduction of Quebec, does not exist. The military maxim, that an enemy's post is not to be left in your rear, does not apply. The distance between those places is so great, the country so rugged, barren, and inhospitable, that it would be next to impossible to march an army from one place to the other. Beside, the garrison at Quebec would be always kept in check by our army stationed above it. During the whole of this time, the recruiting service would go on to supply the places of the volunteers, portions of whom would be successively dismissed, until the whole army would be converted into regular troops.

If he was not greatly deceived as to the spirit and inclinations of the Northern people, there would be no difficulty in obtaining any number of volunteers that might be required, on the shortest notice. If the State of New York stood alone, unconnected with her sister States, and felt the same disposition to take Canada, which we profess to feel, she would have invited out her militia and reduced it in about half the time we have been talking about making preparations to do it

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New York and Vermont will furnish the requisite number of men, if you will fairly give them the invitation. They are ready to offer their patriotic services to the Government for this enterprise; but they will not become slaves to the Army for five years.

But, said Mr. P., the question in this House was not so much whether volunteers were the proper force to commence the war, as it was how we were to avail ourselves of their services? Some gentlemen were of opinion that they could not be marched out of the United States, for the purposes of offensive war, in the character of militia, but that they must be organized as regular or federal troops. Other gentlemen were of opinion, that they might be marched out as militia. And those who held the latter opinion, were again divided as to the grounds upon which they supported it.

His honorable friend from South Carolina, (Mr. CHEVES,) in his very ingenious argument on the volunteer bill, had not only most skilfully, but, he was fearful, too successfully, contended that Congress have the right to coerce the militia into foreign service. Others denied that they could be legally compelled into service, but insisted that they might be employed under a voluntary contract. Mr. P. said, he had given his opinion on this subject at an early stage of the debate on the volunteer bill; and all he had heard or seen since had only tended to confirm his opinion, that militia cannot be employed under the Federal Government in foreign war. After the able discussion which the question had undergone, he could hardly hope to add anything to influence the sentiments of the House. But, as the question was all-important in deciding on the proposition he had just submitted—as the adequacy of the forces already raised, and, of course, the necessity of an additional one, must depend wholly on the question, whether the militia volunteers can be marched to Canada, he would make a few remarks on some of the extraordinary propositions that had been advanced on this subject as Constitutional doctrines.

The positions advanced in the argument of the gentleman from South Carolina, if he had rightly understood them, were these: that the Government of the United States partakes of the twofold character of a federal and national government; that, in some of its features, it is federal, or a government of States, operating indirectly upon the persons and property of the citizens through the agency of the State authorities, and, in other features strictly national, operating directly upon the people; that the system of national defence against domestic insurrection and foreign invasion, intended to be attained by means of the militia, as provided by the Constitution, exhibits a federal view of our Government, and is a system confined exclusively to a time of peace; that, in time of war, the Government assumes a national character as to all the operations and purposes of the war; that Congress have the sole power to declare and wage war, and that this power involves a right to the persons and prop-

erty of the citizens for the purpose of conducting the war; that, having a right to all the physical force of the nation for the purposes of war, we have, therefore, a right to the militia as a part of that physical force.

Independently of the questionable propositions laid down in this argument, his friend would pardon him for saying that the argument itself was not logical, inasmuch as his conclusion did not follow his premises. If the propositions are true, that we have a right to the physical force of the nation for the purpose of carrying on the war, and that we act, in respect to the war, as a national Government without the agency of the States, the true conclusion must be, that the militia cannot be employed in war. He wished to be understood as using the term war in exactly the same sense in which it had been used by the gentleman from South Carolina, as denoting a state of avowed, open, offensive war, in contradistinction to the defensive operations assigned by the Constitution to the militia. Are the militia a part of the physical force of the national Government? No, the militia are the artificial force of the States. They are the political institutions of the States. They are officered, commanded, and trained by State authority. They live, move, and have their being by the political breath of State authority, and the very moment that authority is withdrawn, they cease to exist. It does not follow, then, that, because we have a right to the physical force of the country for the purposes of war, we have, therefore, a right to the militia. But the converse of this conclusion follows from the other proposition, namely, that in regard to all the operations of war we act as a national Government, and State authority is not known; inasmuch as the militia in their organized capacity cannot exist, even in imagination, without supposing at the same time the continued existence and co-operation of State authority. The fair conclusion from the gentleman's premises is the true Constitutional doctrine for which I contend, that, if you use militiamen, who are the physical force of the nation, you must form them into federal troops, and commission them by national authority, which, the gentleman has correctly stated, is the only authority known in time of foreign war for the purposes of that war.

Among the difficulties with which the gentleman had been obliged to contend in the course of his argument, he had been met at the threshold by the provision of the Constitution which declares the purposes for which Congress may call forth the militia. He had acknowledged that the Constitution was only a delegation of specific powers for particular purposes, and that all powers not expressly granted were retained. He had acknowledged, too, as a universal rule of construction, that, where there is an enumeration of particular powers in relation to any subject, the presumption is conclusive that all similar powers or all other powers in relation to the same subject, were intended to be withheld. He is obliged, therefore, to concede as a consequence, that the enumeration in the Constitution of the purposes

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for which the militia are to be employed, excludes the idea of employing them for any other purpose. How does the gentleman avoid the force of this reasoning? Why, sir, he tells us that this provision of the Constitution is limited exclusively to a time of peace, and that he looks to a different part of the Constitution for a right to employ the militia in time of war. Whence is the idea of such a limitation inferred? The phraseology of the Constitution is general, and is applicable equally to all times. Do the occasions on which the militia are to be called out denote exclusively a time of peace? They are to be called out to execute the laws, to suppress insurrections, and to repel invasions. An invasion, as well as an insurrection, or an opposition to the laws, may, according to the gentleman's idea, occur in time of peace, or at a time other than that of open and declared war; but he must acknowledge that they are all as likely, at least, to happen in time of war as peace.

Our ideas of the militia system were derived from Great Britain, whence we received most of our political institutions. It was fair, in this case, as in others, where we adopt their terms and systems, to look for definitions and explanations of them to their laws, without which they are generally unintelligible.

The militia system in Great Britain was, placing arms in the hands of all the independent yeomanry of the country; organizing them into military corps; training and preparing them for efficient service. The objects were, to defend the country against foreign invasion; and to protect the liberties of the subject against domestic tyranny. The functions of the militia are regulated by the acts of Parliament. They are to be employed to execute the laws, to suppress rebellions, and repel invasions. These are the only purposes for which they can be employed, and to these they are equally applicable in time of war and time of peace. They cannot be used in foreign war; they cannot be taken out of the kingdom. The provisions of our Constitution in relation to the employment of the militia were, undoubtedly, suggested by those in the British statutes, of which they seem to be a transcript, only that we substitute the term "insurrection" for "rebellion," which means the same thing. We have one peculiarity in respect to the organization of our militia. They are officered and trained by State authority, instead of that of the General Government, to which is committed the power of peace or war. Why this precaution? Not, assuredly, to make them a more efficient military force, by dividing the command among the seventeen independent authorities, but for the obvious purpose of providing a protection to the State governments against the encroachments of the General Government. It is not to be supposed, then, that the framers of the Constitution, after showing such extreme jealousy towards the powers of the General Government as is exhibited in every part of it, and especially on the subject of the militia, would commit to this Government the sole power to declare war, and with it, the entire

control of their militia, to be sent to any part of the world. If the militia are necessary to the protection of the State sovereignties in time of peace, they are emphatically so in time of war, when the States are surrounded by foreign and domestic armies.

The distinction between the duties of militia and of an army, is simple and obvious. It is not only recognised in the Constitution, but in our bills of rights, and in public writers on the elementary principles of government—it exists in the nature of things. There are two distinct purposes to which the physical force of a nation is applicable—the one relating to its safety and existence, the other regarding only its policy. The duties of militia are, to execute the laws, to suppress insurrections, and repel invasions. Without this power to effect these purposes, Government could not be maintained. These duties are not optional, but compulsory; for, without the power to command their services for these purposes, society would be dissolved. The business of foreign war is a totally distinct thing—it is a matter of policy, and it can never be good policy to prosecute a war which has become so unpopular, that the whole pecuniary resources of the country will not enable you to hire men to carry it on. The services of the army are therefore voluntary.

But we are told, that the right to employ the militia is incidental to the power of declaring war. This power to declare war, aided by the magical delusion produced by calling it a sovereign power, is made to include a right to the persons and purses of our citizens, for the purpose of conducting the war. The idea of deducting powers from our sovereignty, was, I believe, quoted from the works of General Hamilton—a man, the unceasing labor of whose political life was employed in attempts to break down the State governments and to establish a monarchical one in their stead. His favorite argument, when he wished to extend the powers of the General Government, was, that the Government was sovereign as to all the purposes for which it was established—that war, for instance, was one of these purposes, and therefore, we are sovereign, or have discretionary powers as to all the operations and incidents of war. The argument meant nothing, or it meant too much. If it only meant that there were certain powers delegated to us by the Constitution, and that these were sovereign, it meant nothing as an argument to ascertain our powers, because the Constitution itself would always be the best and the only criterion to determine the nature and extent of those powers. If it was meant to confer powers which are not delegated, it was in direct violation of an express article of the Constitution. Sovereignty is the power to do as we please. It is a property which, strictly speaking, exists no where but with the Almighty. As to political sovereignty, whatever of it exists in this country rests with the people, who alone have a right to direct the powers of the Government. The essence of sovereignty consists in the exercise of an undefined latitude of discretion. The Federal Government is perhaps the last in the

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world which can be called sovereign, because there is none whose discretion is more limited and circumscribed. If we are sovereign, this quality is the effect and not the cause of our powers. If I wished to show that we were sovereign as to any subject, I would show the broad and plenary power which the Constitution had committed to us in relation to that subject; and hence I would infer that we were sovereign. But I would never resort to our sovereignty to prove the existence of powers which are not delegated by the Constitution.

What are our powers in relation to war? We have the right to declare war; but does this involve a right to the persons and purses of the people to carry it on? The terms do not import it; and I have never understood it to be so considered. The King of England has the sole power to declare war; but he has not therefore a right to the persons and property of his subjects for the purpose of conducting it. He has not the power to employ a man, but by his voluntary contract, and he has no means of paying his soldiers, but by the aid of Parliament. They hold the power of the purse. The effect of a declaration of war, is to confer certain powers on the Executive and to change the exterior relations of the country; but it has nothing to do with the means of conducting war. These means are given in another part of the Constitution. They are given in the powers to raise armies, and to levy taxes to support them. The idea of coercing men into foreign service, is so utterly repugnant to the genius of a free Government, that it should never have entered into the imaginations of the framers of the Constitution. It is an infringement of the personal liberty of the citizens, which no political necessity can justify. There is not a more detestable feature in the tyranny of Bonaparte than his power of conscription—the power which he exercises of compelling his subjects to fight the battles of his ambition against their will. There is not a more odious practice under the British Government, than that of impressing seamen into their navy. I call it a practice, because even in the military Government of Great Britain they dare not avow the principle—they dare not assert the right of taking men without their consent. And shall we, in this Republican Government, in this land of liberty, assert the doctrine that our citizens may be forced from their families, their occupations, their homes, their country, to carry on foreign war? I feel no apprehensions of the practical enforcement of this principle. When the people agree tamely to submit to it, they will have ceased to deserve to be free.

Mr. P. said, that he would make only one or two remarks in reply, particularly to the gentlemen who contend for the more palatable doctrine, that militia may be employed in offensive war with their own consent; as many of the observations he had already made, would apply equally in refutation of this doctrine.

Our notions of liberty in this country are so extended, that we are some times apt to set them in array against the law and the Constitution, or

rather to take them for the law and the Constitution. Gentlemen seemed indignant at the idea, that the militia, for whom we never fail to express our just attachment in this House, could not go where and when they pleased. His friend from Kentucky (Mr. JOHNSON) had asked, the other day, with great emphasis and feeling: "What! shall not a freeman be permitted to serve his country?" He would answer: Yes; a freeman might be permitted to serve his country; but the very essence of that freedom consisted in the circumstance that he could not serve in the manner he might choose, but in the mode only which has been prescribed by law. Our liberty was that of the law, and not the unrestrained indulgence of our own wills. The laws have assigned certain duties to militia, and certain other and distinct duties to the army. A militiaman might join the army—a whole company, or even a whole regiment of militia might turn out together, and agree with the Government to go and fight in Canada. But, by this very agreement, they would cease to be militia; having abandoned the proper business of militia and undertaken that of the army, they must be converted into Federal troops. The difference between him and the gentleman was rather a difference of legal form than of substance. It arose from not attending to the peculiar and complex structure of our Government. If our Government, like that of Great Britain, were an integral one, and the army and militia under the exclusive control of Congress, there would be no difficulty—a simple agreement by the militia with the Government to go into foreign service, would, in that case, convert them into regular troops. But the militia and army are commissioned by, and act under distinct authorities; and if the militia engage in foreign war, they must put off their State liveries and assume those of the General Government. Mr. P. said, that when he heard it publicly asserted that the President was disposed to carry on a national war with militia, and when he reflected on the tendency of a proposition submitted yesterday in the report of the Committee of Ways and Means, to support this war by State contributions; by making requisitions* on the States for money, instead of raising it by the Constitutional mode of taxation, he began to be alarmed for the fate of the Federal Government. He feared that we were going back at least to the old principles of the Confederation.

Mr. P. said, that nothing but his sense of the importance of the proposition he had submitted, and of the importance of a fair understanding of this Constitutional question, to its success, could have induced him to try their patience on this dry and exhausted subject. He had not expected to convert gentlemen to his opinion. He had only hoped to satisfy them that he had reasonable grounds to doubt the correctness of theirs; and, if the subject were doubtful, to persuade them that it would be better to raise a force, of the efficiency of which there could be no question, rather than to depend upon the militia volunteers. What would be the situation of the President, if he were to send the militia, even by their own consent

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into Canada, and they should there refuse to continue in service, and to obey the orders of their officers? Would he willingly execute upon them the high and capital penalties of the martial law? He presumed not. He would not undertake to say what the President's opinion was on the Constitutional question. He had heard it was both ways. As no man, however, had more confidence in the correctness of the views of the President in respect to the powers of the Government, or, in his disposition to execute with integrity what he believed to be his official duties, than he had, he would pledge his reputation that the President would never march a militiaman into Canada with a view to its conquest. If he were correct then in this conjecture, what force had we given the President? We had made a parade in passing laws to raise twenty-five thousand regular troops, and fifty thousand volunteers, but, in truth and in fact, we had not given him a single man; and yet some gentlemen were complaining that the Committee of Foreign Relations had not reported a declaration of war. Should they insult the President by telling him to go to war, when he had not a man to fight with? Let us give him an efficient force, and then it will be time to authorize him to employ it.

The question was taken without further debate, and the resolution was negatived—yeas 49, nays 58, as follows:

YEAS—William Anderson, Stevenson Archer, David Bard, William Blackledge, William A. Burwell, Matthew Clay, James Cochran, Lewis Condit, William Crawford, Roger Davis, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Thos. Gholson, Bolling Hall, Aylett Hawes, Joseph Kent, Wm. R. King, Abner Lacock, Joseph Lefever, Peter Little, Aaron Lyle, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Jeremiah Morrow, Hugh Nelson, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jun., Benjamin Pond, Peter B. Porter, Wm. M. Richardson, John Rhea, Ebenezer Sage, Thomas Sammons, John Sevier, Adam Seybert, Samuel Shaw, George Smith, Silas Stow, Uri Tracy, Charles Turner, jun., and Robert Whitehill.

NAYS—Willis Alston, jun., John Baker, Burwell Bassett, William W. Bibb, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, William Butler, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, John Davenport, jr., Joseph Desha, William Ely, James Emott, Asa Fitch, Meshack Franklin, Thomas R. Gold, Edwin Gray, Isaiah L. Green, Felix Grundy, Obed Hall, Jacob Hufty, Richard Jackson, jr., Lyman Law, Joseph Lewis, jr., Robert Le Roy Livingston, William Lowndes, Nathaniel Macon, Geo. C. Maxwell, Archibald McBryde, James Milnor, James Morgan, Jonathan O. Moseley, Anthony New, Thomas Newbold, Joseph Pearson, Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, Henry M. Ridgely, John Roane, Jonathan Roberts, William Rodman, John Smilie, John Smith, Richard Stanford, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, George M. Troup, Leonard White, William Widgery, Thomas Wilson, and Robert Wright.

So the resolution was rejected.

ARMING THE MILITIA.

The House resumed the consideration of the bill for arming the militia; when Mr. B. HALL's amendment being under consideration—for limiting the operation of the amendment which gives to the respective State Legislatures the power of disposing of the arms as they may direct, to the mode of taking care of the arms—

Mr. ROBERTS said, that this amendment would be at variance with the one already agreed to. Upon the whole, it did not appear to him likely, from the difficulties which attended the business, that anything could be matured on the subject at the present session. He, therefore, moved that the bill, with the amendment, be postponed indefinitely.

The motion was negatived—yeas 35, nays 62, as follows:

YEAS—Ezekiel Bacon, David Bard, Elijah Brigham, Harmanus Bleecker, Epaphroditus Champion, John Davenport, jun., William Ely, William Findley, Asa Fitch, Richard Jackson, junior, Lyman Law, Robert Le Roy Livingston, Alexander McKim, James Milnor, Jonathan O. Moseley, Thomas Newbold, William Piper, Timothy Pitkin, jr., Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, Jonathan Roberts, William Rodman, Thomas Sammons, Adam Seybert, John Smilie, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Charles Turner, jr., Laban Wheaton, Leonard White, and Robert Whitehill.

NAYS—Willis Alston, jr., William Anderson, Stevenson Archer, John Baker, Burwell Bassett, William Blackledge, James Breckenridge, William A. Burwell, William Butler, John C. Calhoun, Martin Chittenden, Matthew Clay, James Cochran, Lewis Condit, Roger Davis, Elias Earle, James Fisk, Meshack Franklin, Thomas Gholson, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, Jacob Hufty, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Joseph Lewis, jr., Peter Little, Wm. Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newton, Stephen Ormsby, Joseph Pearson, Israel Pickens, James Pleasants, jr., Henry M. Ridgely, Samuel Ringgold, John Rhea, John Roane, Ebenezer Sage, Daniel Sheffey, George Smith, John Smith, Richard Stanford, Philip Stuart, George M. Troup, Thomas Wilson, and Robert Wright.

The question was then taken on Mr. B. HALL's amendment, which was negatived—yeas 51, nays 55, as follows:

YEAS—Willis Alston, jr., William Anderson, Burwell Bassett, William W. Bibb, William Blackledge, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, Lewis Condit, Joseph Desha, Samuel Dinsmoor, Elias Earle, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, I. L. Green, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, Jacob Hufty, Joseph Kent, William R. King, Joseph Lefever, Peter Little, William Lowndes, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, Samuel McKee, James Morgan, Hugh Nelson, Thomas Newton, Stephen Ormsby, Joseph Pearson, Israel Pickens, William Piper, James Pleas-

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ants, jr., William M. Richardson, Samuel Ringgold, John Roane, Ebenezer Sage, Samuel Shaw, John Smilie, George Smith, John Smith, Richard Stanford, and Robert Wright.

NAYS—Stevenson Archer, Ezekiel Bacon, John Baker, David Bard, Abijah Bigelow, Adam Boyd, Harmanus Bleecker, James Breckenridge, William A. Burwell, Elijah Brigham, William Butler, Epaphroditus Champion, Martin Chittenden, John Davenport, jun., Roger Davis, William Ely, William Findley, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Richard Jackson, jr., Abner Lacock, Lyman Law, Joseph Lewis, jr., Robert Le Roy Livingston, Aaron Lyle, William McCoy, Alexander McKim, Jas. Milnor, Jeremiah Morrow, Jonathan O. Moseley, Thos. Newbold, Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, Wm. Reed, Henry M. Ridgely, John Rhea, Jonathan Roberts, William Rodman, Thos. Sammons, Daniel Sheffield, Philip Stuart, Lewis B. Sturges, Saml. Taggart, Benjamin Tallmadge, Uri Tracy, George M. Troup, Charles Turner, jun., Laban Wheaton, Leonard White, Robert Whitehill, William Widgery, and Thomas Wilson.

The question was now, "Shall the bill be engrossed for a third reading?"

This was opposed by MESSRS. BRIGHAM and PITKIN, principally on account of the fines, &c., contained in the bill. The latter gentleman denied the right of Congress to impose any fine on militiamen before they came into the service of the United States; and cited the act of 1792, to show that no penalties were inflicted in that law.

Mr. MACON replied to them, and said there could be no doubt but the power vested in Congress by the Constitution, "to provide for organizing, arming, and disciplining the militia," included the power to make suitable provisions for preventing the arms from being made away with. It would be strange to say, that when Congress put arms into the hands of the militia, they could not make regulations for their preservation for the use of the public. The reason why nothing of this kind was provided in the law of 1792 was, Congress had not then put arms into the hands of the militia.

Mr. MILNOR spoke against the bill, principally on account of its objectionable penal clauses, and concluded his observations with a motion to strike out the fourth section; but on his taking his seat, a motion was made and carried to adjourn.

WEDNESDAY, February 19.

Mr. WIDGERY presented the petition of Nathaniel Cogswell, praying that his losses by Spanish spoiliations, amounting to \$146,200, might be reimbursed to him.—Referred to the Secretary of State.

Mr. RHEA, from the committee appointed on the tenth instant, presented a bill to alter the time of holding the Circuit Courts of the United States at Knoxville, in the District of East Tennessee, in the State of Tennessee; which was read twice, and ordered to be engrossed and read the third time to-morrow.

On motion of Mr. QUINCY, the several petitions

of the manufacturers of salt within the State of Massachusetts, presented the eighth, twelfth, thirteenth, and seventeenth of June, 1809, were referred to the Committee of the Whole on the report of the Committee of Ways and Means proposing a system for raising the revenue necessary for the service of the present and two succeeding years.

Mr. LEWIS presented a petition of sundry inhabitants of that part of Fairfax county, in Virginia, heretofore included in the parish of Fairfax, praying to be authorized to sell the glebe lands lying in said parish, and that the proceeds thereof may be distributed among the inhabitants of that parish, in the portions to which they may, respectively, be entitled.—Referred to the Committee for the District of Columbia.

Mr. WRIGHT, from the committee appointed on the second ultimo, presented a bill for the protection, recovery, and indemnification of American seamen; which was read twice, and committed to a Committee of the Whole on Wednesday next.

Mr. PORTER, from the Committee on Foreign Relations, reported a bill supplementary to the act to raise an additional military force.

Mr. P. said it would be extremely inconvenient for the Executive authority to make all the appointments of the officers for this additional military force immediately, for want of proper information on the subject; it would be particularly so to make all on the same day, and it was a rule in the Army that promotions should be regulated by the date of commissions. This bill provides, therefore, that all appointments made during the present session shall bear the same date. It was intended also to supply an omission in the law respecting the light artillery and light dragoons.

Mr. P. wished, if there were no objection, that the bill should be ordered to be engrossed for a third reading; but, Mr. QUINCY objecting to this course, the bill was committed for to-morrow.

A Message was received and read from the President of the United States, covering a report in compliance with a resolution of this House of the 19th of December, calling for a system of rules and regulations proper to be adopted for training and disciplining the regular troops and militia of the United States.—Referred to the Committee on Military Affairs.

The SPEAKER laid before the House a report from the Secretary of War, in conformity to the act of 1794, containing an account of the expenditure in the fabrication and repair of arms in the armories of the United States; which was ordered to be printed.

The House went into a Committee of the Whole on a report on the petition of Jared Shattuck. After some discussion on the report, the Committee rose, and had leave to sit again.

The bill authorizing the Secretary of the Treasury to purchase Winslow Lewis's patent right for a new method of lighting light-houses, was read a third time, and passed.

Mr. B. HALL said he found that considerable alarm had been produced by the report of the

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Committee of Ways and Means in relation to war taxes, which he proposed to allay by the following resolution:

"*Resolved*, That the Committee of Ways and Means be directed to inquire into the expediency of authorizing the citizens of the several States and Territories to furnish for the seamen, marines, and army, of the United States, the various necessary articles of clothing—the expenses for clothing, &c., to be apportioned among the several States and Territories in conformity with the Constitutional principles of levying a direct tax; and whether, and how far, it may be practicable or expedient for any, and what, articles of provisions or supplies for the Army and Navy, to be furnished by the citizens of the several States and Territories, in lieu of duties, excises, or taxes."

Some objection being made to the reference of this resolution, Mr. B. HALL said, that ten millions of dollars could be more easily paid in this way in Georgia, than two millions in specie; why, then, said he, not suffer the people at once to furnish the articles wanted, instead of the money to purchase them with? It would, indeed, take the business out of the hands of the contractors; but that would be no loss to the nation. It was no more than a proposition for the consideration of the Committee of Ways and Means. If they deemed the plan impracticable, they would say so. He hoped, therefore, it would be agreed to.

On motion of Mr. RHEA, the resolution was ordered to lie upon the table and to be printed.

ARMING THE MILITIA.

The House resumed the consideration of the bill for arming the militia of the United States; when the question was taken on Mr. MILNOR's motion to strike out the fourth section, and negatived, there being only twenty-eight votes for it.

Mr. FRENCH then moved to strike out the second, fifth, and sixth sections of the bill, with the view of leaving it to the State Legislatures to make such provisions for preserving the arms, after they were put into the hands of the citizens, as they might deem proper.

Motion negatived without a division.

Mr. RHEA moved to strike out all that part of the first section of the bill, which relates to fines, &c.; and if this motion succeeded, he proposed afterwards to move to strike out the ninth section, so as to leave all the regulations for preserving the guns from being lost, or made away with, to the States.

After some debate, the motion was negatived, there being only thirty-three votes for it.

The question being on the engrossment of the bill—

Mr. RHEA said: Mr. Speaker, this bill, like many things in this world, presents itself with an appearance very imposing indeed, and in a manner almost peremptory demands assent. The title, viz: "a bill supplementary to an act making provision for arming and equipping the whole body of the militia of the United States;" promises largely, but an attentive consideration of the bill itself will cast the darkening shade of doubt over the promise.

Several attempts have been made to give to

this bill amendments, by which a Constitutional system of arming the militia might have been obtained, if the original law to which this is designed to be a supplement had been faulty; but these attempts have failed; and we are now called upon to declare whether the bill shall be engrossed for a third reading.

This bill appears to be one of that species which is designed rather as an experiment on the understanding, and to ascertain to what the mind will submit in order to obtain one favorite principle; it contains in itself the cause of its extinction; it contains one or two rays of light, but they are so obscure as to be scarcely visible.

The first section of the bill provides, "that from and after the first day of April, in the year eighteen hundred and thirteen, each and every free able-bodied white male person of the United States, upon arriving at the age of eighteen years, and being enrolled in the militia of any one of the United States or of the Territories thereof, shall within six months thereafter be entitled to receive one stand of arms, the right of which shall be vested inalienably in him, and shall not be subject to be levied upon or distrained to satisfy any demand whatever." If the residue of the first section had been struck out, as was proposed, and if the second, third, fourth, fifth, sixth and ninth sections had also been struck out of the bill, it then would have contained a system of arming which could have been understandingly and Constitutionally voted for—but the residue of the first section and the other sections alluded to being retained, and they containing a series of provisions creating obligations for taking oaths and imposing penalties of fines and imprisonments in relation to the stand of arms, and also creating a system of expensive prosecution for recovering fines, and imposing imprisonments on the militiaman who may take the gun, the bill presents itself in a shape so questionable, that however desirable it may be to make a further appropriation to arm the militia, it may be better not to engross this bill for a third reading, than to engross and pass it, so that thereby an evil may be warded off from the militiaman, which may be more than a balance for the benefit he will have by receiving the offered gun of the United States thereby.

This bill contains a kind of dilemma, catching at either an affirmative or a negative vote. If a negative vote is given, immediately an exclamation is heard, "so then you are opposed to arming the whole body of the militia!" And if an affirmative vote is given, it may then be urged "if you really did intend to give a gun to me to be my own inalienably, why did you load the gift with penalties, fines, and imprisonment, and even in certain cases, provide that I shall be compelled to return the gun to you, as is provided for in the sixth section of the bill?" Such is the bill—and who of us would advise an independent young militiaman to receive a gun on the terms proposed, and thereby subject himself to fines and imprisonment, about a gun; a gun, too, which, if like some heard of, would be good for little, and as likely to wound himself at the first discharge

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as otherwise? It is, indeed, unfortunate that the principle of arming the militia, had not been presented in its own plain dress, unadorned with the thorny trappings of fines and imprisonments, and in such manner that the regulations for distributing the arms had been left for the consideration of the Legislatures of the several States respectively.

The Constitution of the United States certainly cannot be construed to intend that Congress shall go to arm the militia in the manner proposed, and under a system of fines and imprisonments.

By the eighth section of the first article of the Constitution, power is given to Congress "to provide for organizing, arming, and disciplining the militia." The words expressing the delegated power are not "to organize, arm, and discipline the militia." Had these active words been used, the power given would have been immediate and direct; Congress then would, in a consolidating point of view, have been the sole agent. But this power was guarded against, and the words "to provide for organizing, arming, and disciplining the militia," were used—words which do evidently relate to an agent other than Congress; and that the power given to Congress was only, in this case, to provide the arms, reserving to the several States the distribution of the arms to the militia, under such regulations as the Legislatures of the respective States may adopt.

We contend, said Mr. R., that the militia are regulated by the laws of the respective States, excepting the mere rules of discipline which Congress may prescribe, for that part of the militia that may be employed in the service of the United States. This appears to be the true intent and meaning of the clause in the Constitution; and will be more manifest when the whole clause, which is in the following words, is considered: The Congress shall have power "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the States respectively the appointment of the officers and the authority of training the militia, according to the discipline prescribed by Congress." Here it appears, that although the first part of the clause gives power to Congress to provide for disciplining the militia, that part is limited and explained by the latter part of the clause, by which the authority of training the militia, according to the discipline prescribed by Congress, is reserved to the States. The power, then, to provide for disciplining the militia, given to Congress, means no more than to prescribe the discipline, and to the States respectively is reserved the power of training the militia according to the discipline prescribed by Congress. In this manner is the power to provide for organizing and arming the militia; that is, the Congress shall have power to provide arms for the militia, but to the States is reserved the power of distributing the arms, and to make rules and regulations relative thereto.

This construction, which flows from the very terms of the clause, goes to prevent all difficulty

that might arise on this subject between the United States and the several States. By this construction, the line of difference between the delegated and reserved powers is clearly described and drawn, so that he who runs may read.

This bill, in the first instance, pretends freely and graciously to give, and inalienably too, a gun to a young militiaman, eighteen years of age, just enrolled on the muster-list, or six months thereafter. Why this limitation of time? If the gun is really intended to be given, why not give it at any time, without limitation? But this free gift of a gun is loaded with penalties of fines and imprisonments, which may cause the militiaman to refuse the gun. And if the bill shall be a law, and my opinion, said Mr. R., shall hereafter be asked by any militiaman in Tennessee, relative to his taking the gun under such penalties, I certainly would answer, No, do not take the gun, but go and buy a gun for yourself, and be independent.

In respect to the penalties prescribed by the bill, it is argued, that penalties of fines and imprisonments are necessary to preserve the gun. This is bottomed on a supposition that militiamen are careless or fraudulent. This very idea will eventually hinder the acceptance of the gun by every young militiaman possessed of a soul of honor and magnanimity; his language will be: You have talked much about giving me a gun and you have made a law about it; but if you intended to have really given the gun to me, why did you load the gun with penalties of fines and imprisonments. I cannot agree to take this gun, and be so very dependent; and will wait until I can purchase a gun for myself, and if you do call me out into actual service in the field you will furnish me with a gun.

Mr. R. said he was in favor of arming the militia; he had heretofore by his vote supported the principle of arming the militia; he was still in favor of arming them; he had endeavored to amend the bill so as to give it what he considered would have been a Constitutional form, but did not succeed; he would therefore vote against engrossing the bill; that vote would be given with pain, but however painful, he deemed it better so to do than to infringe the State sovereignties in relation to the militia by this kind of consolidating mode. If this, however is negatived, there is still an annual appropriation of two hundred thousand dollars going on to arm the militia.

Mr. WHEATON gave his reasons why he should vote against the bill. After which, the question was taken and carried—yeas 53, nays 48, as follows:

YEAS—Willis Alston, jr., William Anderson, Stevenson Archer, John Baker, Burwell Bassett, William W. Bibb, William Blackledge, James Breckenridge, William Butler, Langdon Cheves, Matthew Clay, James Cochran, Lewis Condit, William Crawford, Joseph Desha, Samuel Dinsmoor, Meshack Franklin, Thomas Gholson, Charles Goldsborough, Edwin Gray, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, William R. King, Abner Lacock, Joseph Lefever, Joseph Lewis, jr., William

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Lowndes, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Samuel McKee, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Joseph Pearson, Israel Pickens, James Pleasants, jr., Henry H. Ridgely, Samuel Ringgold, John Roane, Ebenezer Sage, Samuel Shaw, George Smith, Richard Stanford, Thomas Wilson, and Robert Wright.

NATS.—David Bard, Abijah Bigelow, Harmanus Blecker, Adam Boyd, Elijah Brigham, Robert Brown, John C. Calhoun, Epaphroditus Champion, Martin Chittenden, John Davenport, jr., Roger Davis, Elias Earle, William Ely, James Emott, William Findley, James Fisk, Asa Fitch, Peterson Goodwyn, Richard Jackson, jr., Joseph Kent, Robert Le Roy Livingston, George C. Maxwell, Alexander McKim, Arunah Metcalf, James Milnor, Jonathan O. Moseley, William Piper, Timothy Pitkin, jr., Benjamin Pond, William Reed, John Rhea, Jonathan Roberts, William Rodman, Ebenezer Seaver, John Sevier, Adam Seybert, John Smilie, William Strong, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Charles Turner, jr., Pierre Van Cortlandt, jr., Laban Wheaton, Leonard White, Robert Whitehill, and Wm. Widgery.

THURSDAY, February 20.

On motion of Mr. GOLD, the Committee of the Whole were discharged from the consideration of the petition of the Board of Directors of the Oriskany Manufacturing Company, and it was referred to the Committee of Commerce and Manufactures.

Mr. MCKEE, from the committee appointed on that part of the President's Message which relates to Indian affairs, presented a bill for the relief of the officers and soldiers who served in the late campaign on the Wabash; which was read twice, and committed to a Committee of the Whole to-morrow.

On motion of Mr. POINDEXTER,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of confirming all claims to land in the Mississippi Territory, founded on warrants of survey granted by the Spanish Government of Louisiana, and not confirmed by former laws regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee; provided the grantee, or the legal representative of the grantee, resides at this time in said Territory, and the evidence of the claim has been regularly filed with the Registers of the Land Offices east and west of Pearl river, and reported by them to the Secretary of the Treasury, agreeably to law; and that the committee have leave to report thereon by bill, or otherwise.

An engrossed bill to alter the time of holding the Circuit Courts of the United States at Knoxville, in the District of East Tennessee, in the State of Tennessee, was read the third time, and passed.

The House resolved itself into a Committee of the Whole, on the bill for incorporating the Trustees of the Georgetown Lancastrian School; which was amended, reported to the House, and ordered to be engrossed for a third reading.

The House resolved itself into a Committee of the Whole, on the bill giving further time for registering claims to lands in the western district of the Territory of Orleans; which, having been amended, was reported to the House, and ordered to a third reading to-morrow.

The House resolved itself into a Committee of the Whole, on the bill concerning the Levy Court of Washington, in the District of Columbia. The bill passed through committee and was ordered to be engrossed for a third reading.

The House went into a Committee of the Whole, on the bill making a further appropriation for repairing and completing the building purchased for the accommodation of the General Post Office and Patent Office. [The bill proposes an additional appropriation of thirteen thousand and odd dollars for the purpose of fitting up the great hotel in this city for the use of these offices.]

After some conversation on the detail of the bill, the Committee rose, and the bill was ordered to be read the third time on Monday next.

INTERNAL IMPROVEMENTS.

Mr. RIDGELY, from the committee to whom were referred the several memorials of the President and Directors of the Chesapeake and Delaware Canal Company, of the President and Managers of the Union Canal Company of Pennsylvania, and of the Commissioners of the State of New York, respecting a canal from the Great Lakes to the Hudson river, made the following report:

That they consider the improvement of the internal navigation of the United States, by means of the canals contemplated by the said companies and the State of New York, of great national importance, and well meriting the patronage and aid of the General Government. That, under this impression, the committee have paid particular attention to the subject-matter of the said memorials, and have felt the strongest disposition to report favorably to the petitioners. The committee, however, lament that the inauspicious situation of the United States, in regard to our foreign relations, renders it, in their opinion, improper, at the present time, to grant that effectual aid to the undertaking to which they are so well entitled. They, therefore, under these circumstances, submit the following resolution, viz:

Resolved, That the state of the public finances and resources, and present embarrassed situation of the country, render it inexpedient for the Congress of the United States to make a donation in land or money, at the present time, for the purpose of effecting the objects contemplated in said memorials.

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TREASURY DEPARTMENT, Jan. 6, 1811.

SIR: I have the honor to enclose answers to the queries proposed in your letter of the 28th ultimo, and also the copy of a report on the same subject, made on the 4th of April, 1818, in obedience to a resolution of the Senate of the 2d of March, 1807.

I have the honor to be, very respectfully, sir, your obedient servant,

ALBERT GALLATIN.

Hon. H. M. RIDGELY, *Chairman, &c.*

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Answers to the queries proposed by the committee, to whom were referred the "memorial of the President and Managers of the Union Canal Company of Pennsylvania, praying the aid and patronage of the General Government in accomplishing the extensive and useful works in which they are engaged," &c.

TREASURY DEPARTMENT, Jan. 6, 1812.

1st Query. "Will the state of the finances of the United States admit of the application of public moneys to the improvement of the country by means of canal and inland navigation?"

Answer. The state of the finances of the United States does not, at this time, permit the application of public moneys to any new objects of improvement. The revenue is at present considerably less than the annual public expenses.

2d Query. "If the state of the finances will not admit of pecuniary aid being afforded by the Government, can any other resources be applied to these objects without interfering with the national engagements or the public exigencies? If so, I am desired to request that you will specify them, and the mode of application, so as to promote, in the most effectual manner, these important objects, and to diffuse the benefits arising therefrom as generally as possible among the several States."

Answer. A portion of the public lands may be selected, and its proceeds appropriated to these objects, without causing any sensible diminution of the revenue arising from that source, and, therefore, without interfering with the national engagements and public exigencies. It is only necessary, for that purpose, that the tract or tracts of land thus selected, should be without the boundaries of the land districts already established by law, so that the annual sales in those districts, and the payments into the Treasury, which constitute the existing land revenue, may not, in any degree, be affected by the contemplated appropriation.

The quantity of land set apart for that purpose should be sufficient to produce, when sold, a sum equal to that which Congress intends to apply to these objects; and the States, companies, or trustees under whose direction the several works will be executed, should be authorized to sell, from time to time, at the price limited by law, such portions of the land as will be necessary to defray the expenses of the works. The proceeds of the sales might be anticipated by authorizing loans, to an amount not exceeding the value of the lands appropriated, and made reimbursable at distant periods; in which case the faith of the United States might also be pledged for the reimbursement of such parts of the principal of such loans as could not be discharged out of the proceeds of the sales of the lands; the residue of the lands then remaining unsold reverting, in that case, to the United States.

3d. Query. "Will the projected canal from the Great Lakes to the tide-waters of the Hudson tend to raise the price of the public lands, facilitate the means of payment for them, and arrest the illicit trade which is now practised with a neighboring nation, and by which the public revenue is greatly diminished?"

Answer. A canal uniting Lake Erie with the tide waters of the Hudson, or any other Atlantic river, cannot fail to enhance the value of all the public lands adjacent to the Great Lakes, or otherwise so situated that their inhabitants may use that navigation for the transportation of produce or merchandise. For the same reason it will be giving access, on cheaper terms, to a better market, and facilitate, to a certain degree,

the means of paying for the lands thus situated. It is not believed that the canal would materially arrest the illicit trade from Canada.

4th Query. "What are the ideas of the Secretary of the Treasury as to a general system of improvement by canals and opening of the rivers, and as to the means of effecting it within the power of the General Government?"

Answer. In a report made on the 4th of April, 1818, in obedience to a resolution of the Senate of 2d March, 1807, the Secretary of the Treasury submitted the general outlines of a plan to that effect. To this he begs leave respectfully to refer. Although the details must, in many respects, be incorrect, and several important objects may, for want of information, have been omitted, his opinion continues the same with respect to the general principles of the plan. It is still believed that a system of improvement, embracing all the important communications pointed out by the great geographical features of the country, and also such other local objects as it may be necessary to include, in order to equalize, as far as practicable, the benefits of the plan, would have a most powerful effect towards promoting the prosperity of the country, and consolidating the interests of the most remote quarters of the Union. The modifications which existing circumstances render necessary, in the manner of applying the resources of the United States to that important object, have already been suggested in the answer to the second query. Respectfully submitted,

ALBERT GALLATIN.

Mr. RIDGELY moved that this report be committed, printed, and made the order for Monday.

Mr. BURWELL wished the sense of the House to be now taken upon this report—he disagreed with it entirely. He had always been in favor of a general system of navigation, and thought a portion of the public lands might be well employed in this way. He wished the vote to be taken now, because if the report was disagreed to, the subject might be recommitted and something effected during the present session; but if it was put off, the probability was, that nothing would be done on the subject.

After a few observations from Mr. GOLD and Mr. RIDGELY, expressing their wish to have the report acted upon at an early day, it was committed.

ARMING THE MILITIA.

The bill for arming the Militia of the United States was read the third time; and the question being put, "Shall the bill pass to its third reading?"

Mr. CALHOUN expressed himself friendly to the principle of the bill, and, until the amendment had been made placing the distribution of the arms in the power of the State Governments, he intended to vote for it; but he thought it better not to pass the bill at all, than to leave it in the power of the States to lock up these arms in arsenals.

Mr. TALLMADGE disliked the bill in many respects. He doubted the Constitutional power of Congress to put arms into the hands of the people of the United States, before they are called into the service of the Union. The militia, he contended, is the army of the several States, and not of the United States, and the State Legislatures

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are the proper judges when they ought to be armed. The United States may furnish the arms, but the States ought to distribute them as they deem proper, and it could not be doubted that in whatever way they might dispose of them it would be the best. He said that the provisions of this bill would conflict with the law of 1792 on this subject, and with the rules and practice of several of the States. He renewed the objections which had before been urged to some details of the bill; expressed doubts whether the arms could be procured, if the bill passed, and objected to the large appropriation of money for this object at this time.

Mr. NELSON replied to the objection made by Mr. CALHOUN. He thought gentlemen who were in favor of the principle of the bill, ought not to abandon it, because they could not have all its provisions precisely in the form they wished them. He did not think the amendment which had been agreed to, made any material difference in the bill; the first section provides that the arms shall be distributed—the Legislatures can only direct the manner in which it shall be done, and no one could certainly object to their having this power. He thought it time that arms should be provided for the militia, the Government had been in operation twenty-four years without providing a single musket for the militia, though the Executive had constantly called upon Congress to render the militia effective, from the time of General WASHINGTON to the present day.

Mr. MAON said this was an unfortunate bill, for though all appear friendly to the object of it, there were sufficient objections to one part or other of the bill, he feared, to defeat it. He said five millions had been voted for the army and navy, without scruple; but now, when we are about to put arms in the hands of the militia, gentlemen begin to talk about expense. As to the objections which had been made against the details of the bill, they were such as might be made against any bill that could be drawn. The true question is, Will the bill arm the militia better than they are at present? He had no doubt that it would, and he was therefore in favor of it.

Mr. RANDOLPH said, the gentleman from Connecticut viewed the deformities of the bill with more pleasure than its beauties; the bill was somewhat objectionable in its details, but principally from its omissions. The fears entertained that the State Legislatures might abuse the power placed in them were certainly groundless. After all the large appropriations made for the army and navy, he said it was strange that objections should be made to this pitiful appropriation for arms for our militia, which will remain when our vessels and gunboats are gone to decay.

Mr. WRIGHT spoke at considerable length in favor of the general principle of arming; and of the reasonableness of purchasing arms out of the common funds of the United States, rather than put the rich and poor on the same level, by requiring each to purchase arms for themselves, which was a provision too unequal and unjust to be countenanced by a free Government.

After Mr. WRIGHT had concluded his remarks, Mr. LITTLE rose. He said that as nothing which could now be said could affect the sentiments of the members of the House; and as unnecessary debate only served to the waste of time and obstruction of business, he felt compelled to move the previous question.

A sufficient number of members rising in favor of the previous question, it was put in the following words, to wit: "Shall the main question be now put?" and negative—yeas 52, nays, 62, as follows:

YEAS—Willis Alston, jun., William Anderson, Stevenson Archer, Ezekiel Bacon, Burwell Bassett, William Blackledge, William A. Burwell, William Butler, Langdon Cheves, Matthew Clay, James Cochran, Lewis Condit, William Crawford, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, Jacob Hufty, Joseph Kent, William R. King, Peter Little, William Lowndes, George C. Maxwell, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, Benjamin Pond, William M. Richardson, Samuel Ringgold, John Roane, William Rodman, Ebenezer Sage, Thomas Sammons, Adam Seybert, Samuel Shaw, John Smilie, George Smith, William Strong, George M. Troup, and Charles Turner, junior.

NAYS—John Baker, David Bard, William W. Bibb, Abijah Bigelow, Harmanus Bloecker, Adam Boyd, James Breckenridge, Elijah Brigham, Robert Brown, John C. Calhoun, Epaphroditus Champion, Martin Chittenden, John Davenport, jun., William Ely, Jas. Emott, William Findley, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Felix Grundy, Aylett Hawes, Richard Jackson, jun., Abner Lacey, Lyman Law, Joseph Lewis, jun., Robert Le Roy Livingston, Aaron Lyle, Nathaniel Macon, Archibald McBryde, William McCoy, Samuel McKee, James Milnor, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, William Piper, Timothy Pitkin, jr., James Pleasants, jun., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, John Rhea, Jonathan Roberts, John Sevier, John Smith, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Pierre Van Cortlandt, jun., Laban Wheaton, Leonard White, Robert Whitehill, William Widgery, Thomas Wilson, and Robert Wright.

A gentleman rising further to debate the question, and Mr. PITKIN objecting thereto, it was decided by the SPEAKER, in conformity to precedent, that the decision of the previous question in the negative precludes further consideration of the subject for one day.

FRIDAY, February 21.

Mr. MORROW, from the Committee on the Public Lands, to whom was recommended the bill from the Senate "for the relief of Thomas O'Bannon," reported the same without amendment; and it was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed the bill making appropriations for the support of Government, dur-

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ing the year 1812, with amendments; in which they desire the concurrence of this House.

The House proceeded to consider the said amendments of the Senate; and the same being read, were, together with the bill, committed to the Committee of Ways and Means.

Mr. WILSON offered a resolution, the object of which was to direct the Committee of Commerce and Manufactures to inquire into the expediency of repealing so much of an act of Congress as establishes ports of entry at Pittsburg, Marietta, Limestone, Cincinnati, and Louisville. Mr. W. stated that no entries were ever made in these ports, and yet revenue officers at these places received annual salaries for services which they never had an opportunity to perform. The resolution was agreed to.

Mr. ORMSBY, after adverting to the difficulty of distributing arms of the United States by land or water carriage in the interior of the Western country, offered the following resolution:

“Resolved, That the committee on so much of the Message of the President of the United States as relates to our military affairs, be directed to inquire into the expediency of authorizing the establishment of an armory at Louisville, in Kentucky, with leave to report by bill or otherwise.”

The resolution was agreed to without opposition.

Mr. BASSETT laid upon the table the following resolution:

“Resolved, That the standing rules and orders of the House be so amended, that a majority of those present shall be required to admit the previous question.”

The bill concerning the Levy Court of the county of Washington, in the District of Columbia; and the bill giving further time to register claims to lands in the Western district of the Territory of Orleans, were severally read a third time, and passed.

ARTS AND MANUFACTURES.

Mr. SEYBERT said, after making a very few preliminary remarks, he would offer a resolution for the consideration of the House, connected with a highly important national object. By the Eleventh Congress, he was indulged in a motion to reprint a valuable report of a former Secretary of the Treasury on the manufactures of the United States. To that same Congress, the present Secretary of the Treasury made a report, in part, on the same subject. He said he need not recite to the House its merits; they were generally acknowledged.

By the act of May 1, 1810, it was provided that further information be obtained, by the Marshals and their deputies, on the subject of manufactures. The result of their inquiries was a mass of facts which are now buried in the archives of the Treasury, and answer no useful purpose to the nation. His present object, he declared to be, the publication of the facts thus collected. Upwards of thirty thousand dollars had been already appropriated; which, if the matter remained as it now is, would answer no beneficial purposes. His

resolution, if adopted, would bring to light many facts concerning the agriculture and manufactures of the United States, and other statistical information, connected with the true basis of national independence. These objects constitute the permanent sources of the wealth of the nation; they are the real and fixed capital of the country. We shall thereby be enabled to trace our progress from infancy to manhood. By this report we can alone be in a situation to enact a wise, politic, and systematic *tariff* of duties; it alone can teach us to discriminate the proper objects of protection. I might add much more on the subject; this would be consuming time unnecessarily; I will therefore proceed to read the resolution:

“Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Secretary of the Treasury be directed to employ a person to digest and reduce to such form as shall be deemed most conducive to the interests of the United States, a statement of the number, nature, extent, situation, and value, of the arts and manufactures of the United States, together with such other details connected with these subjects, as can be made from the abstracts and other documents and returns reported to him by the Marshals and other persons employed to collect information, in conformity to the second section of the act of the 1st of May, 1810, and that he report the same to Congress at their next session.”

After some observations from Mr. NEWTON, stating the difficulty of the proposed digest, from the want of uniformity, connexion, or method, in the returns, and the probability that the motion might be so amended as better to attain the object in view, the resolution was ordered to lie on the table.

ARMING THE MILITIA.

The House resumed the consideration of the bill for arming the militia.

After some observations from Messrs. POTTER and WRIGHT, in favor of the bill; and from Messrs. ROBERTS and TALLMADGE, against it, the question was taken on the passage of the bill, and carried in the affirmative by yeas and nays, as follows:

YEAS—William Anderson, Stevenson Archer, John Baker, Burwell Bassett, William W. Bibb, William Blackledge, James Breckenridge, William A. Burwell, William Butler, Langdon Cheves, Matthew Clay, James Cochran, Lewis Condit, William Crawford, Joseph Desha, Samuel Dinsmoor, Meshack Franklin, Thomas Gholson, Charles Goldsborough, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obad Hall, John A. Harper, Aylett Hawes, Jacob Hufty, Richard M. Johnson, Philip B. Key, William R. King, Abner Lacock, Joseph LeFever, Joseph Lewis, junior, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, Thomas Moore, Arshibald McBryde, William McCoy, Samuel McKee, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, Joseph Pearson, Israel Pickens, James Pleasants, junior, Elisha R. Potter, John Randolph, Henry M. Ridgely, Samuel Ringgold, John Roane, Ebenezer Sage, John Sevier, Samuel Shaw, Daniel Sheffey, George Smilie, John Smith, Richard

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Stanford, Philip Stuart, George M. Troup, Charles Turner, jr., Thomas Wilson, and Robert Wright—67.

NAVS—Willis Alston, jun., Ezekiel Bacon, David Bard, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, Elijah Brigham, Robert Brown, John C. Calhoun, Epaphroditus Champion, Martin Chittenden, John Davenport, jr., Roger Davis, William Ely, James Emott, William Findley, James Fisk, Asa Fitch, Thos. R. Gold, Peterson Goodwyn, Richard Jackson, junior, Joseph Kent, Robert Le Roy Livingston, George C. Maxwell, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchell, Jonathan O. Moseley, Thomas Newbold, William Piper, Timothy Pitkin, jr., Benjamin Pond, William Reed, William M. Richardson, John Rhea, Jonathan Roberts, William Rodman, Thomas Sammons, Adam Seybert, John Smilie, William Strong, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Pierre, Van Cortlandt, jun., Laban Wheaton, Leonard White, Robert Whitehill, and William Widgery.—51.

CAMPAIGN ON THE WABASH.

The House resolved itself into a Committee of the Whole, on the bill for the relief of the officers and soldiers who served in the late campaign on the Wabash.

Mr. McKEE stated the provisions of the law to be precisely copied from the existing law, except that its provisions were extended to a species of force (the militia) which, in the opinion of the Secretary of War, did not come within the provisions of the law, which provides for the relief of the widows and orphans of those who fell in the service of their country.

Various amendments were made to the details of the bill, and it being reported to the House, there appeared to be no objection to the principle of the bill.

Messrs. McKEE, JENNINGS, WRIGHT, LITTLE, BASSETT, BIBB, BACON, PITKIN, BURWELL, JOHNSON, and TALLMADGE, took part in the desultory debate on the amendments.

The bill was then ordered to be engrossed for a third reading.

MONDAY, February 24.

Mr. BACON, from the Committee of Ways and Means, to whom was referred the amendments of the Senate to the bill making appropriations for the support of Government for the year 1812, reported it as the opinion of the committee that the amendments ought to be agreed to. The bill, with the amendments, was committed; and the House afterwards, on motion of Mr. B., went into a committee on the subject, when the amendments were agreed to and reported to the House and by the House concurred in.

These amendments restored to the clerks in the several Departments the fifteen per cent. which had been struck out of the bill when last before the House, and appropriated \$100,000 for the contingent expenses of foreign intercourse. The yeas and nays were taken upon the additional allowance to the clerks, and carried, 64 to 40; the allowance for contingent expenses of foreign intercourse, was carried, 83 to 17.

Mr. BASSETT called up the resolution which he had laid upon the table on Friday last, proposing an alteration in the rules of the House, requiring a majority, instead of one-fifth of the members present, to call for the previous question. After a few observations from Mr. B. on the propriety of this alteration of the rules, seconded by Mr. STANFORD, who said it would render the rule much less obnoxious than heretofore, it was agreed to, 51 to 40.

The following bills passed their third reading, viz: a bill supplementary to an act providing for the accommodation of the General Post Office and Patent Office, and for other purposes; a bill for the relief of the officers and soldiers who served in the late campaign on the Wabash; and a bill to incorporate the Trustees of the Georgetown Lancasterian School Society.

On motion of Mr. PORTER, the House resolved itself into a Committee of the Whole, on the bill supplementary to the act for raising an additional military force; which, after being amended, was reported to the House, and, on motion of Mr. MACON, ordered to lie on the table.

SUPREME COURT.

Mr. GOLD said, it was well known, that from the increased business of the Supreme Court, considerable delay and injury was occasioned to suitors by their causes being laid over from one court to another; and the judges, having to attend to their several Circuit Courts, could not devote sufficient time to the business of the Supreme Court. Mr. G. thought it improper that the same judges who preside in the Circuit Courts, should afterwards revise their own judgments, in cases of appeal, in the Supreme Court. He did not believe that this was in conformity to the meaning of the Constitutional provision, that "the judicial powers of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish." He saw no difficulty that would attend the holding of the Circuit Courts by two or more district judges from adjoining districts. In order to bring this subject before the House, Mr. G. offered the following resolution:

"Resolved, That a committee be appointed to inquire whether any, and if any, what alteration is necessary in the judicial system of the United States, and that they report by bill."

Agreed to, and a committee of five appointed.

GOVERNMENT LOAN.

The House went into a committee on the subject of ways and means, when the bill authorizing a loan for a sum not exceeding — million of dollars, was taken up. And the bill having been read through, the blank for the amount of the loan was filled up with eleven millions of dollars, and the blank for the time after which the United States shall be at liberty to reimburse the sum loaned, was filled with twelve years. The committee then rose and the House concurred in the amendments. On the question, "Shall the bill be engrossed for a third reading?" the yeas and

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nays were called, and the question was carried, 86 to 28, as follows :

YEAS—Willis Alston, junior, William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, Wm. A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, Lewis Condit, William Crawford, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, James Emott, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Peter Little, Robert Le Roy Livingston, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jr., Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Samuel Shaw, John Smilie, George Smith, John Smith, Silas Stow, Uri Tracy, George M. Troup, Charles Turner, jr., Pierre Van Cortlandt, jr., Robert Whitehill, William Wiggery, and Robert Wright.—86.

NAYS—John Baker, Abijah Bigelow, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, jr., William Ely, Asa Fitch, Charles Goldsborough, Edwin Gray, Richard Jackson, jr., Philip B. Key, Lyman Law, Joseph Lewis, jr., James Milnor, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jr., Henry M. Ridgely, William Rodman, Richard Stanford, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, and Thomas Wilson.—28.

On motion of Mr. BACON, the House agreed that they would to-morrow take up the report of the Committee of Ways and Means, in relation to the contemplated taxes.

TUESDAY, February 25.

Mr. GHOLSON, from the Committee of Claims, who was instructed by a resolution of the third ultimo, to inquire into the expediency of continuing in force an act to provide for persons who were disabled by known wounds received in the Revolutionary war, presented a bill to continue in force "An act to provide for persons who were disabled by known wounds received in the Revolutionary war;" which was read twice, and committed to a Committee of the Whole on Monday next.

On motion of Mr. POINDEXTER, the Committee on the Public Lands were discharged from the consideration of the resolution submitted by him on the thirtieth ultimo, concerning lands in Florida; and the resolution was referred to the Attorney General of the United States, to consider and report thereon to the House.

A message from the Senate informed the House that the Senate have passed a bill "to establish a Quartermaster's Department, and for other pur-

poses;" in which they desire the concurrence of this House.

Mr. LEWIS, from the Committee on the District of Columbia, reported a bill authorizing the President of the United States to lease for a term of years one of the reservations of public ground in the City of Washington, (the vacant ground lying west of the Capitol,) for the purpose of a botanic garden. The bill was twice read and committed.

Mr. SEYBERT called up the resolution which he had laid upon the table some days ago, proposing to authorize the Secretary of the Treasury to employ a proper person to arrange and digest the information on the subject of manufactures, received from the Marshals of the several States; which, after receiving some little modification from its mover, was read three times, and passed.

A bill from the Senate for establishing a Quartermaster's Department, and for other purposes, was twice read, and referred to the Committee on Military Affairs.

STEPHEN FELLOWS.

Mr. PITKIN presented the petition of Stephen Fellows, a wounded soldier of the Revolution, praying for an increase of pension, owing to his entire disability to earn anything toward a subsistence by labor.

Mr. P. said this petitioner was already allowed five dollars a month, the highest degree of pension provided by the laws of the United States; but he thought that persons so utterly incapacitated as he knew this man to be, ought to have a larger allowance. He moved, therefore, to refer the petition to the Committee of Claims, with instructions "to inquire into the expediency of making provision by law for increasing the pension of non-commissioned officers and soldiers, to a greater sum than is at present allowed, whenever, in consequence of wounds, they have become totally unable to maintain themselves by manual labor.

MESSRS. ALSTON and SHAW opposed this motion, as tending to break up all the present regulations in this respect, and to bring in a crowd of applicants of the same kind; they thought the United States had done enough on this subject. If there were any particularly hard cases, the States in which such persons lived, or the society about them, would doubtless render them the assistance which their situation required. Mr. S. moved that the petition lie on the table. This motion was negatived—41 to 38.

After a few observations against the reference, by Mr. WIGGERY, and in favor of it by Mr. FISK, the motion was carried—45 to 43.

On the suggestion of Mr. LITTLE, the word "officers" was added before the word "non-commissioned."

GOVERNMENT LOAN.

The engrossed bill for authorizing a loan for eleven millions of dollars, was read the third time; and the question being put, "Shall the bill pass to its third reading?"

Mr. M. CLAY expressed a wish that the bill might be postponed for a few days. It was pred-

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icated upon war, which many still hoped might be avoided. The Constitution had just arrived from France, and had probably brought despatches, which doubtless would be communicated to Congress as soon as they could be got ready. He hoped, therefore, the consideration of this bill would be postponed until Monday next. And he gave notice that he should move a like postponement of the report of the Committee of Ways and Means, in relation to taxes, when that subject shall be called up.

Mr. BACON said, whatever weight the remarks of the gentleman from Virginia might have, in relation to the taxes, he hoped they would not prevail, in postponing the consideration of the present bill. Congress had already authorized very large expenses, which must be provided for; and the Executive ought to have some time allowed him to ascertain whether loans can be obtained upon the terms contained in the bill.

Mr. SMILIE said, it was well known that he had been opposed to a part of the measures of expense which had been authorized; but, as the bills had now become laws, he felt himself bound to provide the ways and means for carrying them into effect. And he was for doing this at once, without waiting for any communications from abroad, which were altogether uncertain.

The motion for postponement was lost.

The question then returned on the passage of the bill.

Mr. RANDOLPH did not feel himself bound to vote for this bill because the expenses, for the meeting of which it went to provide a loan, had been authorized. He held himself perfectly absolved from these measures; as he had constantly opposed them in their progress through the House.

But I do not rise, said Mr. R., either to make an apology for my vote, or with an expectation of changing the sentiments of a single individual in this House. It is for the purpose, if it were possible, of being heard by those to whom alone I feel myself amenable for my public conduct. But I well know, from long and tried experience in this House, that this is a desperate hope—that the avenues to the public ear are shut against a small, and not, perhaps, very important description of persons in this House.*

Mr. R. wished the American people to know what new cause of war had accrued since the accession of the present President to the Chair—

* Mr. Randolph certainly had no allusion to the National Intelligencer in this remark, because, as to this paper, such an imputation as is here conveyed, would be utterly and notoriously without foundation. Whatever may be our errors of omission or commission, Mr. Randolph and his friends (the description of persons, we presume, to whom the orator adverts) have neither right nor reason to complain; they certainly have heretofore occupied, in our columns, their full share of public attention. We have, therefore, thought proper to caution our readers against falling into the error, from the generality of the honorable gentleman's phraseology, of supposing him to have alluded to this paper.—*Note by the Editor of the National Intelligencer.*

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since the return of Mr. Monroe from his mission to London. And he wished them to know upon what principle this nation, which has hitherto been preserved in peace—this nation, which, with all the vexations and losses she has experienced, is still the freest and happiest nation on earth—on what principles she shall be torn from her fast moorings of peace, and launched into the tempestuous sea of European politics—into a sea of blood.

Mr. R. knew he asked in vain. No answer could be given. Such conduct, in his opinion, was in the highest degree wanton, and was enough to call down upon us the chastening hand of Him who rules the Universe. We have it in our power to remain free and at peace. Our firesides are safe. Our ports and harbors may be defended; but we have imbibed a portion of that spirit which lost the angels their seat in Heaven. We are about to throw aside our peaceful state and mingle in the dreadful conflict of European ambition and disorder. His heart was sick within him at the sight. It died at the very idea.

It is not in our power, said Mr. R., to dive into futurity; but we can judge of the past. No man who hears me will say that we have any cause of war now, that we had not eighteen months ago. And let me ask every planter and farmer in this country, and I believe I might add every manufacturer, too, whether, during the last year, in the course of which we have been able to sell our breadstuff at a vast profit, it would have been better for us to have been engaged in war than to have remained in peace? To have been cut off from this market for our produce, and to have had in its stead war, with all its retinue of land taxes, excises, salt tax, stamp tax, &c.?

Were you to ask any yeoman of common sense in this country such a question, he would laugh at you. Whether, during the past year, he would choose to have had his sons fighting battles on the plains of Abraham, in which he had no interest, with his produce rotting in his barn, or let the year pass away as it has done in peace, affording an excellent price for grain of every kind? This, said he, is an unanswered and unanswerable argument.

If our Treasury be empty, said Mr. R., it is owing to our own acts. Repeal your non-importation act. Do away your whole restrictive system—put the two countries, in point of fact, upon the same footing, and, my life upon it, you will find no difficulty in arranging all your present differences. And, rather than do this, will this House plunge this nation into a foreign war, contrary to the public sentiment? Contrary to the wishes of many of those who are within the hearing of my voice, who may be pushed into a vote which they wish, if possible, to avoid? Is this a state of things which will authorize Congress to put the nation into a state of war? If war were absolutely necessary, there would be no necessity for individuals to act under such excitements—so that one-half would enter into it reluctantly, and the other half would be ashamed of entering into the measure—like some hapless

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individual, precipitated into single combat against his own will, under the lash of the press, and the busy talk of the coffee-house saunterers of the day.

But, said Mr. R., has it been taken into consideration, that these two great belligerents, who for twenty years have been disturbing the repose of mankind—during which period we have had the wisdom and the virtue, under men acknowledged on all hands to be great: under Mr. Jefferson, the idol of one description of the people; under Mr. Adams, the idol of an opposite description; and under General Washington, the idol of all, to steer clear of any connexion with them—may make peace? And if we are now to take leave of our peaceful course, under what auspices are we about to do so? Who are the statesmen to plan, or the military chief to execute? But, as he had said, these belligerents may make peace, and peace is always made at the expense of a weaker Power. May not Great Britain and France, after, perhaps, we shall have taken possession of Canada, find it to their advantage to make peace, and in that case we may be compelled to surrender Canada, to England, or Louisiana to France; or to enter into any other condition, no matter how much it may affect our interest, if it produce, what these Powers always keep in view, their own aggrandizement?

Are we going to war on the faith of the duration of the life of the present Emperor of France? Are we prepared to rest our whole hopes on the existence of that man? Or, what is worse, to attach ourselves to his cause, and number ourselves among those he calls his allies? and for what?

Mr. R. said, it was six or seven years since this question was first incidentally touched on in this House, on a motion of a member from Pennsylvania, since translated to the other branch of the Legislature. He had lately looked into the opinions which he entertained and expressed on that occasion, and he found them precisely to agree with his present sentiments; and it was satisfactory to himself to find this agreement; but he regretted also to discover that the forebodings of that day had been unhappily realized in respect to our Government.

Mr. R. said, it was not his intention, when he came to the House this morning, to have spoken on this subject. He came to enter his protest against the system which is patronized by those who call themselves the friends of the people, who style themselves Republicans.

And, if he thought it would have any effect, he would call upon the advocates of those measures to pause upon this fearful abyss—this labyrinth of war, into which whomsoever has entered, except the two great devourers of mankind, the tiger and the shark, have most assuredly died.

With respect to the taxes in question, though they should be voted in shoals, he should never believe that the people of the United States will ever submit to pay them. He wished not to be misunderstood. They will submit to them as long as they are enforced by law; but the people of the

United States are the law-givers of this land, and they will take care that these laws shall not long exist. Indeed, they would be traitors to themselves and their children, if they suffered their last shilling to be taken from their pockets, and their blood to be spilled in a war which they did not approve.

The bill passed its third reading—yeas 92, nays 29, as follows:

YEAS—Willis Alston, jr., William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Harmanus Bleecker, Adam Boyd, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, Lewis Condit, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, James Emott, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Peter Little, Robert Le Roy Livingston, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, Alexander McKim, Arunah Metcalf, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jr., Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, Silas Stow, Wm. Strong, Uri Tracy, George M. Troup, Charles Turner, junior, Pierre Van Cortlandt, jun., Robert Whitehill, William Widgery, Richard Winn, and Robert Wright.

YEAS—John Baker, Abijah Bigelow, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, jun., Asa Fitch, Charles Goldsborough, Edwin Gray, Richard Jackson, junior, Lyman Law, Joseph Lewis, jun., James Milnor, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jun., John Randolph, Henry M. Ridgely, William Rodman, Daniel Sheffey, Richard Stanford, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, and Thomas Wilson.

WAR TAXES.

Mr. BACON called for the order of the day on the report of the Committee of Ways and Means on the subject of the contemplated taxes.

Mr. CLAY moved that this subject be postponed till Monday week, for the reasons which he had already stated.

Mr. TALLMADGE could see no good reason for this delay. The report of the Committee of Ways and Means has been some time before the House. The House had, from day to day, passed upon objects of great expense, and it was certainly necessary to provide the ways and means to meet them. We have just passed a bill for borrowing eleven millions of dollars; but this will fall far short of what will be wanted. Expenses have been authorized to the amount of twenty millions. Why do gentlemen wish to

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postpone this question of peace or war? It cannot be, after authorizing the preparatory measures, they are afraid to meet it. He wished to see the question before the House, and to hear it fully discussed. It will be of no use that armies have been authorized, except the sinews of war be provided. He was against a postponement.

Mr. FRISK was in favor of postponement; not because he was afraid to meet the question of peace or war at a proper time. He was not willing, however, to vote for taxes, or war, until every hope of accommodation had disappeared, nor did he see any necessity for doing so. Were the subject to be taken up at present, some members would be placed in difficulty as to their vote; when, some days hence, there would be no difference of opinion among those who have uniformly voted for putting the nation in a state of defence. He knew there were taxes among those proposed which had been used as instruments against those who had laid them, and which might again be so used; but, if they become necessary, this consideration, he presumed, would be lost sight of.

Mr. POTTER spoke against the postponement.

Mr. BACON was not particularly anxious on the subject, though he could see no objection to entering upon it at present. The Committee of Ways and Means had thought it their duty to make their report as soon as they were able; and, having done this, the responsibility lies with the House. If the House showed an unwillingness to enter upon this subject, it might have an unfavorable effect upon the loan which had been authorized.

Mr. NEWTON wished the House to go into a Committee on this subject, if it were only to take up that part of the report which has reference to an increase of duties on imports, as the manufacturers in different parts of the United States, who had expended large sums in erecting works, are anxious to know the determination of Congress on this subject.

Mr. CLAY, from the considerations suggested by the gentleman last up, withdrew his motion.

The House then resolved itself into a Committee of the Whole on the report of the Committee of Ways and Means; when the first resolution, proposing an increase of 100 per cent. on impost duties being under consideration—

Mr. BACON rose and said, that he should perhaps be very readily excused by the Committee, should he refrain altogether from claiming their attention to any further expositions of the views which had governed the Committee of Ways and Means, in the general report which it had been deemed their duty to present to the House, and which was now the subject of consideration; and were he to be governed solely by his own feelings or inclinations, he certainly should not be disposed to add to the long list of unwelcome taxes, whose adoption was recommended to the House—one which in his view had long since become to them and to the nation the most injurious and burdensome of all others—the tax of words. Presuming, however, that some more particular explanation of the various topics em-

braced by the report, might be conceived to be due from him as a member of the committee, and desirous that his own views, at least, of this very important subject, should not be misunderstood, he would, as briefly as he could, proceed to such further elucidation of the grounds on which the report was predicated, as it was in his power to offer.

In addition to the general duty at all times incumbent upon the Committee of Ways and Means, to see that the credit of the Government should at no time be permitted to suffer for the want of pecuniary means, commensurate with its exigencies, their attention, it would be recollected, had been at a very early period of the session particularly drawn to this subject, by that portion of the Message of the President of the United States which had been especially referred to their consideration, and in which the necessity of producing a revenue "sufficient at least to defray the ordinary expenses of Government, and to pay the interest on the public debt, including that on new loans which might be authorized"—was strongly enjoined—it was for the purpose of carrying into effect this provident recommendation of the Executive, that the earnest attention of the committee had been bestowed upon the present and future state of our financial concerns. Under the expenditures already authorized by law, and in the event of the war, which the acts of every branch of the Government gave us the highest reason to expect was likely to occur within a period not very distant, the amount of those expenditures, both ordinary and extraordinary, were detailed at large in the report. Those of the former description, which fall upon the present year, have already been provided for from the revenues which will be receivable during the year, and from the moneys remaining in the Treasury at its commencement, and no further provision is necessary on this account.

In relation to the extraordinary expenditures, on which the estimates of the committee were founded, and for the defraying of which the House had just now authorized a loan of eleven millions—it might, perhaps, be supposed that some of the heads of expenditure authorized might be rather nominal than real, and at any rate were much larger than could in all probability be expended during the present year. This was probably true—but he found that in the event of actual war during a considerable portion of the year, and on that basis the committee grounded their estimates, there were other branches of expenditure which would turn out much higher than had as yet been calculated; and it would be recollected that a bill had within a few days passed the House, by which an additional annual expenditure of \$400,000 was authorized for arming the militia, which had not been brought into the estimates of the committee. For the expenditures of the present year, both ordinary and extraordinary, (excepting only the sums necessary for the annual reimbursement of the principal of the old debt, and which remained thereafter to be provided for by a new loan,) provision had thus been

already made by the House. The next question is in relation to the provision necessary for the two succeeding years. The committee have estimated both the ordinary and extraordinary expenditures of those years, at about the same as are contemplated by the appropriations for the present year, adding for the year 1813, the interest on the loan authorized for the present year, and for the year 1814, the additional interest accruing on the expected loan for the service of the previous year. This estimate, calculating the receipts into the Treasury from present sources of revenue at but a little more than three millions, left a deficit of more than seven millions for the payment of ordinary expenses and interest for 1814, and more than six and an half millions for 1813. It was true that the estimates of the revenue from present sources for those years, was and must be almost entirely conjectural; and most gentlemen, it was believed, were disposed to estimate it considerably higher. We are all apt to be disposed in times of difficulty to look rather upon that side of the picture which was least discouraging. Nothing confident could certainly be predicated on a state of things which was altogether so new to us of late years as an active war with Great Britain; but, so far as we can calculate upon any known data, he had much reason to fear, that this conjectural estimate was not greatly underrated. We have no document which gives us the respective amount of our actual importations of articles on which impost duties are collected from different foreign countries for the two or three years past—but, from information laid before the House in the year 1805, it appears, that, on an average of the years 1802, 3, and 4, our importations from all parts of the world were as follows: from the British dominions, \$35,970,000; Northern European Powers, \$7,094,000; Holland, France, Spain, and Italy, \$25,475,000; Portugal \$1,083,000; China and other native Asiatic Powers, \$4,856,000; all other countries \$738,000; total \$75,094,000. When, therefore, it was considered that nearly half of the whole amount of our impost duties accrued on importations from Great Britain, which, throwing out of view such illicit trade as might take place in a state of war, must be entirely suspended; the general exclusion which it was to be feared we must be subjected to from the Baltic, Mediterranean, and Asiatic trade; he did not know from what sources of legitimate commerce we could flatter ourselves with the prospect of a much greater revenue from external sources than the amount which had been assumed by the committee, especially when we contemplate the increased interruptions to which all our other branches of foreign commerce must be exposed by capture and the general hostilities of the enemy.

It is assumed by the committee, that the extraordinary or war expenditures of the two succeeding years should also rest upon further loans; and it is proposed that revenue sufficient to pay only the ordinary expenses, and the interest on the old debt and on new loans, should be immediately

provided for by the Government—leaving us for the present year the principal of the old debt reimbursable, to be provided for by a prolongation of the old or the contracting of a new loan. This requisition is evidently so moderate in itself, and so clearly sanctioned by the example of every Government which is influenced in its financial concerns by the dictates of a wise and prudent policy, that had the committee been governed only by their own views of propriety, they might, perhaps, have thought an apology was due to the House and the nation, for having proposed a system which suffered so large a portion of the current annual expenditures to remain unprovided for, except through the medium of a debt irredeemable for perhaps twelve years to come; and it might seem to reasonable men a waste of time and argument, to endeavor to enforce the propriety or necessity of providing a revenue at least commensurate to the objects before stated. Such novel and strange ideas had, however, of late, apparently obtained a currency in political circles out of doors on this point, and he feared had not been entirely without their proselytes even within these walls; and so much had been thrown out as to our capacity of obtaining loans upon eligible terms and to an almost unlimited extent, both for defraying our current charges, and even the interest on the loans themselves, through the medium of some magical paper machinery, that he deemed it important to bring these doctrines to an early test, before they had acquired a too fatal ascendancy either here or elsewhere in our country.

The ability of a Government to obtain any considerable sums by way of loans upon eligible terms, Mr. BACON said, depended, he apprehended, mostly upon the market value which the public funds or stocks of the country bore in the market. Since no prudent capitalist could be expected to loan his money to a Government for this security at par, if that security would in all probability immediately fall in his hands below the nominal value which it expressed to be worth; when this was the case the only mode of obtaining the use of such capital must be by allowing to the lender an extra interest, or in some other way afford him a premium therefor beyond the ordinary rate of legal interest in the country.

The market value of public stocks or funds depends again upon the proportion between the interest which they bear, and the profit which can be made by investing individual capital in some private enterprise or employment which the situation and circumstances of the country affords. It is influenced by the plenty or scarcity of money or capital in the country, by the credit of the Government itself, and by the quantity of its stock which shall be circulating in the market. These are principles which are neither novel or original, they are founded on universal experience, and require, it is presumed, no illustration to establish them in the mind of any man who has at all reflected upon the subject. Let us then apply them to the circumstances and case of our own country. In the first place, it is well known

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that we are not yet a country having at its command a large disposable moneyed capital. That we are a nation strong in our own peculiar resources, in a well-directed and successful agriculture, in the general industry of our people, and, until of late, in a growing and flourishing commerce, is not to be doubted. But, as compared with most other nations, whose exigencies have compelled them to resort to an extensive system of public credit, we are, in regard to a surplus moneyed capital, comparatively poor and feeble. It is true that we have a nominal bank capital of some fifty or sixty millions of dollars, and much reliance is apparently placed upon this for the facilities of loans. Undoubtedly we shall be able to obtain considerable aids from that quarter, but still it is to be feared that some of our calculations on that may be ill founded. A considerable part of this capital, there is reason to believe, rests upon credit in some shape or other, and is one which its holders are compelled to manage with the utmost caution and circumspection. Their loans do not generally extend beyond sixty days, and they are enabled to extend or contract their discounts precisely in proportion to the pressure that is like to be made upon them, and to the general state of commercial and other credit. It is not such loans that will answer our purpose; they must be made irredeemable for a much longer period, perhaps for ten or twelve years.

But the difficulty of obtaining loans in this country to any very great extent does not rest altogether upon theory; we are not without some experience on that point. From the late Bank of the United States, strong as it was in capital, and dependent as it was upon the Government, the whole amount of the loans which they were enabled to make us during the continuance of their charter, hardly amounted to seven millions. It is well known that during the year 1796, the Government, being pressed for the payment of the loans previously effected with that bank and the bank of New York, opened a domestic loan for five millions, but were able to obtain subscriptions only to the amount of eighty thousand dollars, and that irredeemable for more than twenty years, and were moreover compelled, in order to meet their engagements, to sell a large portion of their shares in the bank upon the best terms they were able to do. The credit of the Government was as good then as it is now, and there was certainly as strong a disposition in the moneyed interest of the nation to accommodate them as there now is. The truth is, if we can make it for the interest of capitalists to lend us this money, we shall undoubtedly obtain it, even from our enemies; and on no other consideration should we flatter ourselves from obtaining a single cent from those whom we call our friends.

It is not to be doubted that since that period the moneyed capital of the nation has experienced a very considerable augmentation; and, so far as that goes, it is to be hoped that our ability of obtaining domestic loans will be facilitated. It is also inevitable that, in a period of war, the commercial capital of the country will be, to a

considerable extent, thrown out of its ordinary channels of employment, and may, on that account, be more readily drawn into the public funds. But, it is at the same time to be considered, that our country affords other very wide and profitable fields of employment for capital besides commercial pursuits, such as investment in our new lands, pushing forward new settlements, and improvements in agriculture generally. These objects have already been sufficiently tempting to draw to them very considerable sums, both of domestic and foreign capital. Our manufactures are already gaining an extension, and some of these branches realize a profit which is sufficiently tempting to draw forth much capital for their prosecution—and in time of war the scantiness of foreign supplies and the increasing demand of our own manufactures must probably increase both the demand and the profit upon them. It may be added, that every man who has commercial capital on hand will calculate that the war will not probably last many years—that at its close, new and profitable channels of commerce will again be opened, when he can resume his ordinary pursuits; and would not these men very frequently prefer reserving their capital for such a use, at a period which they would at least flatter themselves could not be far distant, to tying it down in a permanent loan to the Government? It is true, that the transferable nature of public stock, always enables its holders to realize its value by sale in the market, and to convert the capital held in it to any other use which they may prefer—but any unusual sales must inevitably depress the market value, and thus expose the original holder to a loss—and upon all these remote circumstances, those who have money to invest, can and will calculate with much greater precision and correctness than we can do for them.

These (Mr. B. said) are some of the considerations which struck him as worthy of consideration when we are about calculating on the prospects which we have of obtaining to a very extensive degree domestic loans upon very moderate terms of interest, and that too on the supposition that we provide a settled revenue sufficient at least to meet our ordinary expenses, and the interest on the debt which we may annually contract. But, if we suffer ourselves to yield to the new theory of borrowing both principal and interest, we have no data by which to judge upon what probable terms loans may be obtained at all, or how long it will be before we must wind up business. This is an experiment which it is believed no regular or provident Government, which relied upon public opinion and voluntary credit for the support of its exigencies, has of late been presumptuous enough to attempt. Under such a system of finance, our course must probably be that of all other individuals of desperate fortune and broken resources, and, like other bankrupts, we must trust to chance, and get along at the mercy of sharpers and shavers. He did not use these terms in relation to those who would take advantage of our necessities by way of re-

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proach against them. The public debt of a nation was always a fair object of speculation, and if, by a course of improvident conduct, we drive ourselves to the necessity of yielding to ruinous and unconscionable demands, the fault lies at our own door, and we ought to be made accountable to the nation for the result. Under such a system of management, it is impossible to say what prudent capitalist would trust us at all, or upon what, even tolerable, terms. But, suppose for a moment that all doubts of this sort were removed, what would be the inevitable effect of throwing into the market annually such an increased amount of public debt as this system must require? The same at least as glutting it with any other commodity beyond the natural rise and demand, and, from the delicate nature of public credit, probably much greater and more sensible. The result of it for only two years is briefly alluded to in the report of the committee, going on the supposition of an extraordinary expenditure of eleven millions a year. We must, if no additional resource be provided, raise by loan for the next year \$17,560,000, and for the succeeding year, \$18,220,000, exclusive of \$1,570,000 annually for the reimbursement of the old debts agreeably to existing contract, making an average of nearly twenty millions annually. The effects of such an operation upon the price of public stocks, and the consequent terms of all future loans, must be abundantly manifest.

We are not (said Mr. B.) without some experience also on this point. He had been informed, from sources that he believed could be depended upon, that, owing to the difficulty of making remittances from Great Britain to this country by means of British manufactures, American merchants had been in the habit, during the last year, of purchasing American stocks which were owned in Great Britain, and remitting them to this country. The whole amount, however, did not probably exceed three millions. But, the effect of throwing only this unusual quantity into market had, he was assured, sunk the price of stocks, for a considerable part of the year, as much as four per cent. below their former price, and had at one time reduced them below par. They had in some measure recovered from this depression. But he perceived that, though it was now nearly at the close of a quarter, when they were usually a little higher than at other periods, they were now quoted in the price currents of the day as but barely at par; in one instance he had lately noticed they were stated as a little below. From this circumstance, then, we may perhaps judge something of the effect which may be produced by a sudden influx of new stock to the annual amount of twenty millions.

It is well known that the Government of Great Britain, with her immense mass of funded debt, does not venture to put into circulation at once a very large portion of new stock. It is there let out gradually, and as the state of the market will bear, through the medium of the bank, who act as the agents of the successful bidders of the loan, and support them in all their operations—a mode

which, from the manner of taking loans, and for other reasons, cannot in this country be so successfully adopted.

It was not his disposition (Mr. B. said) to overrate the strength or wisdom of our adversary, much less to undervalue those of our own country. But we are about to engage in a solemn conflict with Great Britain, and it may be well for us to estimate accurately in the outset, not only her military and her naval strength, but what is of at least equal importance in modern warfare, her pecuniary and financial strength; for, to understand truly the full extent of the force which we may have to encounter, affords the only probable chance we have for overcoming it. We have been accustomed to consider the situation of British finances to be such that her Government must be on the very verge of bankruptcy. Perhaps it was so. With respect to her general paper system he did not pretend to be able to make any certain calculations. But, if we have not the wisdom or the firmness to raise even so large a portion of our current expenditures by adequate revenue as is now asked for by the Executive and by the committee, he would hazard the prediction that we should very shortly indeed advance much more rapidly in the road to national bankruptcy than Great Britain has as yet done, with all her follies and all her prodigality. How far, then, does she rely upon a mere system of loans and public credit for the supply of her annual expenditures? In the year 1808, her whole annual expenditure, including the sums applied to the redemption of her debt, was about seventy-five millions sterling, of which she raised within the year about fifty-eight millions by taxes, and about seventeen millions by loans.

The interest of her public debt was about twenty millions, and the amount of principal extinguished during the year was more than nine millions, being more than half of the whole amount borrowed, and leaving a net increase of debt of but about eight millions, or less than one-ninth part of her whole expenditure. In 1811 the proportions raised by taxes and by loans were about the same. It may also be remarked, that on every new loan which was authorized by that Government of late years, they made it a principle to provide funds from accruing revenue sufficient not only to pay the annual interest on the loan, but also to reimburse annually one per cent. on its principal. From these and other provisions which had been adopted into her financial system, the Government was enabled to borrow money at a lower rate of interest than they had done twenty years since, notwithstanding the immense increase of their debt within that period. Great Britain as well knows the extent and strength of our financial means as we do ourselves, and let us not, by a feeble, a ruinous, and a shortsighted system, teach her to despise us.

Much has been said out of this House, and considerable within it, though not in debate, upon the facility with which all our expenses might be defrayed, by some sort of paper system, called

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Exchequer bills and Treasury notes; and it seemed to possess the minds of some gentlemen that this species of Government paper might be invested with a sort of magical effect, which would at once acquire unbounded credit, without danger of depreciation, although no particular provision should be made for paying the interest upon it, or for its ultimate redemption. It had indeed been casually mentioned by the Secretary of the Treasury that such papers might occasionally be issued to a small but moderate extent; and it was evident that he did not calculate upon it as anything more than a small auxiliary aid to the principal revenue, and as something perhaps in anticipation of it, or to make good unexpected deficiencies. What is the nature of these Exchequer bills, and to what extent are the Government able to rely upon them, even in Great Britain, from which, it is presumed, our notions of them are taken? If gentlemen will give themselves the trouble to look into the subject, they will find that they are nothing more or less than a Government security bearing interest from the time they issue, circulated through the agency of the bank, usually funded like other public stocks at the end of the year or other short period, and the interest provided for and paid, leaving to the Government but little advantage over an ordinary loan. So great is the danger of this depreciation, and so cautiously are they resorted to there, that out of an annual expenditure of seventy or eighty millions they rarely venture to issue more than three or four millions of Exchequer bills. How small an aid, therefore, should we be able to derive from them, and at the same time preserve our and their credit.

Of all the other disastrous effects that might be apprehended from the worst events of a foreign war, Mr. B. said he should most deplore those which must result from a broken public credit, and a depreciated paper currency. Its operation upon the character of our Government, both at home and abroad, would be such as it would hardly recover from for a century to come. Upon the habits and morals of the country it would be most corrupting and disastrous, producing a state of general distrust, speculation, and fraud, the ruin of the honest and unsuspecting, and the enriching of the avaricious and unprincipled. The state of public securities during and after the Revolution afforded us some experience on this head; and could we again consent to see our public paper purchased up by a few sagacious and wealthy capitalists at one-eighth of its nominal value, and eventually redeemed, as it must be, at par? He said it must be, because if this paper should settle, as it would do, mostly in those sections of the country where money capital was the most abundant, and the Government should, after a peace, refuse to perform its engagement to the holders, it must produce a snock upon the Government, which all the artificial bonds of our national Union would be unable to resist. He trusted that, in order to provide against an occurrence of this nature, no means within our power would for a moment be

omitted. This can only be done by the early organization of a revenue commensurate to the preservation of our credit unimpaired.

But it may be said, that we can well enough carry on a war for one year upon our credit alone, and that it will be time enough after that to provide additional revenues. It is probably forgotten that this is the very basis assumed by the committee, and on which we must proceed. For the expenses of this year we have already authorized a loan of eleven millions, and upon that we must rely. If we provide a system of revenue this year, it will not come into the Treasury until the next; the question then was, not whether we should carry on the war one year upon loans; but whether we should postpone for this year the providing of revenue to the extent proposed by the committee, and rely for two years upon loans for the payment of all our extraordinary expenses—a greater portion of the ordinary ones, and the interest on our new and old debt. He hoped that such degree of improvidence would not be listened to.

It had sometimes been whispered that our citizens might be found unwilling to hear of taxes even in prospect until they were fairly engaged in the war, and that then they would submit to them with cheerfulness. Mr. B. said, he much doubted whether war in itself, under any circumstances, was attended with so many alleviating considerations as to render altogether acceptable in fact that which it was supposed could not be tolerated by our citizens even in prospect. If the people will not bear the necessary taxes, it cannot with propriety be said that they will bear the contemplated war, and the sooner we know it the better. For his part, he could not reconcile it with his ideas of an honest and a fair policy to hold out any delusive expectations to the people. He wished them to look upon war as he looked upon it, and as it really was, a rugged and a thorny road, and not a primrose path of mere pastime and revelry. Let us not content ourselves with hobbling along upon the temporary expedients of the day, which must soon fail us, and with them the people themselves will desert us. Let us rather do our duty to ourselves and to the people, leaving it to them to do what they shall think theirs to us.

If then, (said Mr. B.,) the necessity of providing at this time additional revenue is apparent, at least to the extent proposed by the committee, the remaining question is, as to the sources from which it can most easily and conveniently be drawn. These, in this country, it is well known, are not numerous. Our internal moneyed capital is comparatively small; and those branches of industry and manufacture, which in most European countries are the sources of large revenues, are few and feeble. It has been the general endeavor of the committee to select such as promised to be the most productive in themselves, and as, in their judgment, he presumed, would bear with the most equality upon the different sections and interests of the country. Whether they had attained this object, was a question for the House to decide.

He would say for himself, that, though he had fully assented to the general system recommended by the committee, he could not profess to be entirely satisfied with all the details and proportions of some of the duties proposed. One thing at least, he thought, might safely be affirmed in the general, that the interior or agricultural interest had no right to complain when they compared their burdens with those proposed to be laid upon the cities and the seaboard generally; and he had rather, for one, that some of them had been a little differently apportioned. He would very briefly notice them all in this point of view, and in relation to their local and sectional bearing.

The first was, the additional duty of impost. This being generally a tax upon consumption, was probably more equal upon the whole, in relation to its local bearings, than any other mode of raising money which we could resort to, which, added to the consideration of its more easy collection, had made it heretofore almost the only one on which we had relied, and would probably be so again on the return of peace. The great question, in relation to it, was the extent to which it could safely and practically be carried; and in this point of view he would notice it hereafter.

The second object proposed, was the retention of twenty-five per cent. on the amount of drawbacks. This he considered might fairly be put down as a deduction from mercantile profit on that branch of our export trade, which consisted of re-exports of foreign articles, and operating of course almost exclusively upon the commercial sections of the country. In time of war, the amount of that trade must be very inconsiderable, and the product of the duty of course small.

The additional tonnage duty might appear at first view to fall also entirely on the mercantile part of the community; but would not it incorporate itself, in a great measure, with the freight, and like that fall eventually very much upon the consumer of the articles which were the subjects of freight? He apprehended it might.

The salt tax, it was evident, fell almost exclusively upon the agricultural part of the country, and principally upon that portion of them living in that section between the seaboard and the Western waters—the former, from their contiguity to the salt water, requiring the use of very little salt, and the latter being supplied from their interior manufactures.

The duty upon stills would probably fall the most heavy, compared with any other species of tax, upon the Middle and Western States, who manufactured the greatest quantity of domestic spirits. It would be remarked, that it was extremely light, indeed, and calculated to raise but half of what was collected from the same object in the year 1800.

The tax upon retailers, including tavern-keepers, he considered as likely to fall with much the greatest weight upon the cities in the first place, and generally upon the northern and middle portions of the Union; though some gentlemen professed to view it otherwise, it was, in his view, compared with others, a very heavy one.

The duties upon sales at auction, so far as it applied to goods and merchandise, could be considered in its operation as but an additional impost on foreign goods, falling pretty much upon the consumer. As it applied to the sale of ships and vessels, it would fall the most heavily on the mercantile sections of the country.

The duties on sugars refined, must from their nature fall upon the consumers in every part of the Union, and was perhaps as equal in its operation as any other existing duty.

The duty upon carriages must fall much the most heavily on the Atlantic States, both Northern, Middle, and Southern, at least as far as Virginia; but would be felt in a very inconsiderable degree by the Western States—he considered it comparatively as a pretty heavy one.

The stamp duties would in their operation be found to apply almost exclusively to banking and mercantile operations in the first instance; but, so far as they might have a tendency to raise the interest of money, would probably indirectly fall more or less upon almost every portion of the country.

The direct tax, upon whatever principles it might be laid and assessed, would, it was very certain, be found to fall much the most heavily upon the agricultural, interior, and newly settled portions of the Union—the aggregate wealth and the active disposable capital which could be spared for the purpose of contributing to the payment of any species of tax, being so much less than in the commercial and old settled States, a tax which was apportioned merely by numbers of inhabitants would undoubtedly be found much more difficult to pay. The alleviating considerations which had been suggested by the Secretary of the Treasury in regard to its actual operation upon the Western States, however, furnished a very great drawback upon their real weight; and those States had, he apprehended upon the whole, the least right of all others to complain of the combined operation of the whole system.

Mr. B. said, he had thus given briefly, imperfectly, and, perhaps, very incorrectly, such views as he had been able to form in relation to the general bearings of the system under consideration. He was sensible of his great incompetence to do justice to so extensive and complicated a subject. His impressions were given with real diffidence, and he should be happy to see his errors corrected by gentlemen of more experience and sagacity. He trusted that gentlemen who concurred in the necessity of raising at this time, in some way or other, the amount of revenue which had been proposed by the committee, would not be governed in their votes by mere local considerations, growing out of the unequal operation of any one species of tax upon their particular constituents; but that they would rather look to the combined operation of the whole system, and with those enlarged views, by the aid of which alone we could expect to come to a successful and practicable result; and that if, after all, any member should feel it his duty to withhold his assent from any one or more of the proposed objects of taxation,

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that he would at the same time endeavor to point out some source equally productive and more just in its operation to which it might be thought expedient to resort.

Mr. B. said, he would now add but a few observations in relation to the first resolution more immediately under the consideration of the committee, and would then submit the whole subject to the good sense of the House, reserving only such explanations as might be called for on the other propositions submitted in the report.

As to the amount to which it might be found practicable or expedient to carry the present duties of impost, he had not that practical knowledge which enabled him to determine with any great degree of certainty, though he was persuaded that they might safely be carried much higher than they were at present, if the exigencies of the country required it. He found that on every former increase which had taken place, it had been said by many gentlemen that they were already as high as they would bear, without incurring the danger of smuggling, and the consequent diminution of the revenue expected from them; such, however, had in no instance, he believed, been the result. He then adverted to the various periods when such increase of duties had taken place, and stated, that from official documents it appeared not only that the actual revenue had increased proportionably, but that the articles themselves upon which such increased duties had been laid, had also experienced a regular and progressive increase of importation. What was the highest point to which the duty could now be carried, it was impossible to say; practical men of great weight and respectability differed widely upon this question, and it could probably be conclusively settled only by experiment. The high authority of the Secretary of the Treasury was decidedly in favor of the amount recommended by the committee. He should be happy, he said, to hear the opinions of experienced members on all sides of the House on this point, having very little confidence in his own opinions; but he would move, under his present impressions, that the Committee of the Whole should concur with the Committee of Ways and Means in the adoption of the first resolution.

When Mr. BACON had concluded, the Committee rose, and the House adjourned.

WEDNESDAY, February 26.

Mr. DAWSON, from the committee appointed on the petition of the Ursuline Nuns, of the city of New Orleans, presented a bill to authorize the Secretary of War to exchange lands with the Ursuline Nuns in the city of New Orleans; which was read twice, and committed to a Committee of the Whole on Friday next.

The following resolution, in the form of a joint resolution of the two Houses, was submitted by Mr. SEYBERT:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the Senate and the Speaker

of the House of Representatives, for the time being, be, and they are hereby, authorized to grant the use of the books in the Library of Congress to the Judges of the Supreme Court of the United States, at the times, and on the same terms, conditions, and restrictions, as members of Congress are allowed to use said books.

The resolution was read twice, and ordered to be engrossed, and read the third time to-morrow.

WAR TAXES.

The House again resolved itself into a Committee of the Whole on the report of the Committee of Ways and Means, proposing a plan to raise the revenue necessary for the service of the present and two succeeding years;²⁷ and, after some time spent therein, the Committee rose, and reported their agreement to the resolutions therein contained, amended to read as follows:

1. *Resolved*, That an addition of one hundred per centum be made to the several rates of permanent duties now imposed, by law, on all goods, wares, and merchandise, imported into the United States,

2. *Resolved*, That twenty-five per centum be retained on all drawbacks allowed by law, on the exportation of goods, wares, and merchandise, exported from the United States.

3. *Resolved*, That additional tonnage duties be laid at the following rates, viz:

1. On all vessels licensed for the coasting trade or fisheries, twenty cents a ton per year.

2. On all other vessels owned by citizens of the United States, twenty-five cents per ton on the entry of the vessel.

3. On all foreign vessels, one dollar and twenty-five cents per ton on the entry of the vessel.

4. *Resolved*, That a duty of twenty cents per bushel be laid upon all salt imported into the United States.

5. *Resolved*, That duties be laid on licenses to distil spirits at the following rates, viz:

1. On stills employed in distilling spirits from foreign materials, at the rate of seventy-five cents per gallon, on the capacity of such stills.

2. On stills solely employed in distilling spirits from domestic materials, at any distillery at which there are one or more stills of more capacity, together, than one hundred and fifty gallons, at the rate of fifty cents per gallon, on the capacity of such stills.

3. On other stills, solely employed in distilling spirits from fruit, at the rate of five dollars on each still a year.

4. On other stills, solely employed in distilling spirits from any domestic materials, at the rate of fifteen dollars on each still a year.

6. *Resolved*, That duties be laid on licenses to retailers of wines, spirits, and foreign merchandise, including tavern-keepers, at the following rates, namely:

If in cities, towns, or villages, containing more than one hundred families,

1. On retailers of foreign merchandise, including wines and spirits, twenty-five dollars.

2. Ditto, of wines alone, twenty dollars.

3. Ditto, of spirits alone, twenty dollars.

4. Ditto, of domestic spirits alone, fifteen dollars.

5. Ditto, of foreign merchandise, other than wines and spirits, fifteen dollars.

If any other place than cities, towns, or villages, containing more than one hundred families,

1. On retailers of foreign merchandise, including wines and spirits, fifteen dollars.

2. Ditto, of wines and spirits, fifteen dollars.
3. Ditto, of domestic spirits alone, ten dollars.
4. Ditto, of foreign merchandise, other than wines and spirits, fifteen dollars.

7. *Resolved*, That duties be laid on sales at auction of foreign merchandise, for every hundred dollars of the purchase money, two dollars; and on sales at auction of ships or vessels, for every hundred dollars of the purchase money, twenty-five cents.

8. *Resolved*, That a duty of four cents per pound be laid on all sugars refined in the United States, allowing a drawback on the exportation of the same.

9. *Resolved*, That duties be laid on carriages, used for the conveyance of persons, at the following rates, viz:

1. On every coach, chariot, and post chaise, twenty-five dollars.

2. On every phaeton, and on every coachee having pannel work in the upper division thereof, fifteen dollars.

3. On every other four-wheel carriage hanging on steel springs, ten dollars.

4. On every four-wheel carriage hanging on iron or wooden springs, and on every two-wheel carriage, with a top, or hanging on steel or iron springs, five dollars.

5. On every other four or two-wheel carriage, three dollars.

10. *Resolved*, That stamp duties be laid on the following instruments of writing, viz:

1. On all notes payable to bearer or order, issued by any bank or bankers, at rates on an average of one dollar for every hundred dollars, with an option to pay in lieu thereof two-and-a-half per centum on their dividends.

2. On all notes-of-hand above fifty dollars, payable to bearer or order, having one or more endorsers; and on all bills of exchange, above fifty dollars, having one or more endorsers, at rates on an average of five cents for every hundred dollars.

11. *Resolved*, That three millions of dollars be raised by a direct tax, to be apportioned among the several States, agreeably to the rule prescribed by the Constitution.

12. *Resolved*, That each State be authorized to pay the amount of its quota to the United States, with a deduction of fifteen per cent, if paid before the assessment is commenced, and of seven-and-a-half per cent, if paid before the tax becomes due.

13. *Resolved*, That all the duties above enumerated and the tax aforesaid, shall be laid and become payable only after the United States shall have become engaged in a war with a foreign European nation.

14. *Resolved*, That the said duties and tax shall continue until one year after the conclusion of peace with such foreign nation, and no longer.

And then the House adjourned.

THURSDAY, February 27.

The resolution granting to the Judges of the Supreme Court the privilege of using the books of the Congress Library, was read the third time and passed.

A message from the Senate informed the House that the Senate have passed the bill from this House "to authorize the Secretary of the Treasury, under the direction of the President of the United States, to purchase of Winslow Lewis his

patent right to the new and improved method of lighting light-houses, and for other purposes," with amendments. They have also passed a bill for the establishment of a General Land Office in the Department of the Treasury; in which amendments and bill they desire the concurrence of this House.

WAR TAXES.

The House took up the report of the Committee of the Whole on the war taxes; when a concurrence in the first resolution, increasing the impost duties one hundred per cent. being under consideration; and the yeas and nays being called upon the resolution, the SPEAKER directed the Clerk to proceed with the call. Just after Mr. ALSTON had answered to his name, Mr. WIDGERY addressed the Speaker. The SPEAKER decided that the call had commenced, and the gentleman could not, therefore, according to the rules of the House, be heard, except the House should determine otherwise. The call was insisted upon, and the resolution was concurred in, 71 to 40, as follows:

YEAS—Willis Alston, jun., William Anderson, Stevenson Archer, Ezekiel Bacon, William W. Bibb, Adam Boyd, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, Richard M. Johnson, Joseph Kent, William R. King, William Lowndes, Aaron Lyle, Nathaniel Macon, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Israel Pickens, William Piper, James Pleasants, junior, Benjamin Pond, Peter B. Porter, William M. Richardson, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, William Strong, George M. Troup, Robert Whitehill, Richard Winn, and Robert Wright.

NAYS—John Baker, Abijah Bigelow, Harmanus Bleeker, Jas. Breckenridge, Elijah Brigham, Epaphroditeus Champion, Martin Chittenden, John Davenport, jun., William Ely, James Emott, James Fisk, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Richard Jackson, junior, Philip B. Key, Joseph Lewis, junior, Robert Le Roy Livingston, George C. Maxwell, Archibald McBryde, James Milnor, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, junior, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, Daniel Sheffield, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Charles Turner, junior, Lewis Wheaton, Leonard White, William Widgery, and Thomas Wilson.

A concurrence in the second resolution, in relation to drawbacks was the next question.

Mr. McKIM said, if the House calculated upon this provision as an article of revenue, they would certainly be disappointed; for he believed, instead of benefiting the revenue, it would injure it.

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Mr. FISK moved to postpone the further consideration of all the resolutions before the House until the first Monday in April next. Mr. F. assigned as his reasons for this motion, that as all were agreed these taxes were war taxes, he thought it time enough to agree upon them when war became certain; that there was no doubt the resources of the country were amply sufficient whenever Congress determined to call them forth, but he saw no necessity for alarming the people with odious taxes beforehand. Another reason for the postponement, he said he disliked the system, and if a little time was given, a more acceptable one to the people might be formed. Whenever war became unavoidable, he would be as ready as any other member to vote the necessary taxes; but he wished not to vote for them in advance. It was on this ground he had voted against the first resolution.

Mr. PORTER seconded the motion for postponement. Whenever the question of war came before the House, he would be as ready to vote for it as any member, and for taxes to support it; and now, if gentlemen would say they were ready to lay the taxes, without reserve, he would vote for them, but he wished not to lay them by anticipation.

This motion was opposed by Messrs. MCKIM, SMILIE, TROUP, RHEA, JOHNSON, BOYD, FINDLEY, CALHOUN, and CHEVES, on the ground of its impropriety and impolicy. The Committee of Ways and Means having recommended to Congress a system of taxation, which has been published to the world, and this House having, in committee, agreed, by large majorities, to the several taxes proposed by that committee, to be laid whenever a war shall take place, and not before, and if no war takes place, of course the whole will be a dead letter, it would appear strange if they were now to adopt a motion like the present. The people would be at a loss to account for such a course. They would begin to fear Congress were not serious in their declarations of a determination to support the rights of the country. The people must know that war cannot be carried on without taxes—that the one cannot be had without the other, and it will certainly be much better to fix upon a system before we get involved in war, than have to do it afterwards. At all events, as the system has been reported and acted upon, it ought not now to be laid aside. Such a course might throw obstacles in the way of obtaining the loan which had been authorized. It was believed the people are prepared and ready for war, and willing to pay the necessary taxes incident to such a state; that they feared more the want of sufficient energy in Congress than the levying of necessary taxes in support of the war; that if Congress did their duty, they would have nothing to fear from the people—they are ready to make a stand; that it was time to abandon all temporizing policy; our national character was at stake in the course which Congress was about to take; it was hoped therefore that no motion like the one now proposed would be countenanced, but that the House would proceed

in perfecting the system of taxation reported by the committee, and recommit the report to the Committee of Ways and Means as the foundation of a bill. When that bill shall be reported, it would be open for discussion; and if any improvement could be made in the system, members would be at liberty to propose their amendments.

After some observations from Mr. WIDGERY, in favor of a shorter postponement, in which he expressed his dislike to some parts of the system proposed, Mr. FISK modified his motion so as to make the postponement till Monday week.

Mr. BACON, from motives of delicacy, as gentlemen had declared they wished to have further time to consider the subject, would be obliged to vote in favor of the motion.

The question was taken on the postponement, and negatived, 93 to 31, as follows:

YEAS—Willis Alston, William Anderson, Stevenson Archer, Ezekiel Bacon, John Baker, Abijah Bigelow, James Breckenridge, Epaphroditus Champion, Jas. Cochran, Samuel Dinsmoor, Elias Earle, James Fisk, Obed Hall, John A. Harper, Philip B. Key, Joseph Lewis, jr., George C. Maxwell, Israel Pickens, Benjamin Pond, Peter B. Porter, John Randolph, William M. Richardson, Thomas Sammons, Samuel Shaw, Silas Stow, William Strong, Uri Tracy, Charles Turner, jr., Pierre Van Cortlandt, jr., William Widgery, and Thos. Wilson.

NAYS—David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Harmanus Bleecker, Adam Boyd, Elijah Brigham, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Martin Chittenden, Matthew Clay, William Crawford, John Davenport, jr., Roger Davis, John Dawson, Joseph Desha, William Ely, James Emott, William Findley, Asa Fitch, Meshack Franklin, Thos. Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Aylett Hawes, Jacob Hufty, Richard Jackson, jr., Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Lyman Law, Joseph Lefever, Peter Little, Robert Le Roy Livingston, William Lowndes, Aaron Lyle, Nathaniel Macon, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Joseph Pearson, William Piper, Timothy Pitkin, jr., James Pleasants, jr., Elisha R. Potter, Josiah Quincy, William Reed, Henry M. Ridgely, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Ebenezer Seaver, John Sevier, Adam Seybert, John Smilie, George Smith, John Smith, Richard Stanford, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, George M. Troup, Luban Wheaton, Leonard White, Robert Whitehill, Richard Winn, and Robert Wright.

The question returned on concurring in the second resolution in relation to drawbacks.

Mr. STOW said he should vote in the negative, because he conceived it would not be consistent with good faith to pass a regulation of this kind which would apply to goods already imported.

The resolution was agreed to, 78 to 47, as follows:

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YEAS—Willis Alston, jr., William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, Lewis Condit, William Crawford, Roger Davis, John Dawson, Joseph Desha, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, Richard M. Johnson, Jos. Kent, William R. King, Abner Lacock, Joseph Lefever, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jr., Benjamin Pond, Peter B. Porter, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Adam Seybert, John Smilie, George Smith, John Smith, Richard Stanford, William Strong, George M. Troup, Robert Whitehill, Richard Winn, and Robert Wright.

NAYS—John Baker, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, jr., Samuel Dinsmoor, William Ely, James Emott, James Fisk, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Richard Jackson, jr., Philip B. Key, Lyman Law, Joseph Lewis, jr., Robert Le Roy Livingston, Archibald McBryde, Alexander McKim, James Milnor, Samuel L. Mitchell, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, William M. Richardson, Henry M. Ridgely, Samuel Shaw, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Charles Turner, jr., Pierre Van Cortlandt, jr., Laban Wheaton, Leonard White, William Widgery, and Thomas Wilson.

The question was next taken on the third resolution, laying additional tonnage duties, and carried, 82 to 40, as follows:

YEAS—Willis Alston, jr., William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, Lewis Condit, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jr., Benjamin Pond, Peter B. Porter, William M. Richardson, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Ebenezer Seaver, John Sevier, Adam Seybert, John Smilie, Geo. Smith, John Smith, Silas Stow, George Sullivan, George

M. Troup, Charles Turner, jr., Robert Whitehill, Wm. Widgery, Richard Winn, and Robert Wright.—82.

NAYS—John Baker, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thos. R. Gold, Charles Goldsborough, Edwin Gray, Richard Jackson, jr., Philip B. Key, Lyman Law, Joseph Lewis, jr., Archibald McBryde, James Milnor, Samuel L. Mitchell, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, Thomas Sammons, Richard Stanford, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Pierre Van Cortlandt, jr., Laban Wheaton, Leonard White, and Thomas Wilson.—40.

The fourth resolution came next, under consideration, laying a duty on salt.

Mr. M. CLAY hoped the House would not concur with the committee in the adoption of this resolution, as its operation would be very unequal; for nearly the whole duty would be paid by the middle country, by about one-third of the people of the United States, as the people on the seaboard had no occasion to use this article for their cattle, and the inhabitants of the Western country, he understood, got their salt for ten cents a bushel.

Mr. STANFORD joined Mr. CLAY in his opposition to this resolution.

After a few remarks from Mr. SEYBERT and Mr. NEWTON in favor of the tax, the House adjourned, without taking the question.

FRIDAY, February 28.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a statement of the gross and net amount of the customs of the United States, in obedience to a resolution of the House, of the eleventh ultimo; which were read, and ordered to lie on the table.

The bill from the Senate "for the establishment of a General Land Office in the Department of the Treasury" was read twice and referred to the Committee on the Public Lands.

The House proceeded to consider the amendments of the Senate to the bill "to authorize the Secretary of the Treasury, under the direction of the President of the United States, to purchase of Winslow Lewis his patent right to the new and improved method of lighting light-houses, and for other purposes;" and the amendments were concurred in by the House.

Mr. BASSETT, observed, that a new edition of the Manual of Parliamentary Practice was about to be published in this city; and as he believed no book could be placed in the Library that would be more useful to members of Congress, he had prepared a resolution proposing to authorize the Clerk to subscribe for as many copies as might appear sufficient for the use of the number of new members which might at any time be in the House. It was in the following words:

"Resolved, That the Clerk of this House be authorized to subscribe with Joseph Milligan and William Cooper for — copies of a new edition of Jefferson's

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Manual, provided they annex thereto the standing rules and orders of this House, to be paid for out of the contingent fund, and the books placed in the Library, for the use of Congress.

The blank was filled with fifty, and the resolution agreed to.

WAR TAXES.

The House then resumed the consideration of the report of the Committee of the Whole on the subject of taxes; when the 4th resolution, proposing a tax on salt, being under consideration,

Mr. STANFORD rose again to oppose this tax, on the ground of its being unjust and unequal, operating principally upon a particular portion of the Union. The inhabitants on the seaboard had not the same necessity of using it for their cattle, and on some parts of the coast manufactories of salt are established; and the people to the westward had also salt manufactories. The State of Ohio had been particularly favored by Congress in this respect, having had the salt-licks given to them at the time that State was formed.

Mr. SMILIE said, the salt-licks had not been given to the State of Ohio, without a consideration. They were, in return, to suffer all lands belonging to the United States to be exempt from taxation.

Mr. BLACKLEDGE was in favor of the tax, as it would serve to encourage the manufacture of salt in our own country, which, in case of war, would be very desirable. He did not believe that the people on the seacoast, or in the Western country, got their salt any cheaper than the inhabitants of the midland country, except such as lived near a manufactory.

Mr. STANFORD moved to amend the resolution, by adding a duty of ten cents on all salt manufactured in this country. This motion was advocated by Messrs. STANFORD, MACON, WRIGHT, CLAY, GHOLSON, and WIDGERY; and opposed by Messrs. BLACKLEDGE, KING, PORTER STOW, LACOCK, TRACY, GRUNDY, and CALHOUN.

By the advocates of the amendment it was urged that, if salt imported paid a duty of twenty cents a bushel, the manufacturers of salt in this country might very well afford to pay a tax of half that sum, as they would then have an advantage of ten cents per bushel over foreign salt; that there would be as much propriety in taxing domestic salt as domestic spirits; that this tax was laid for the purpose of raising revenue, and manufacturers of domestic salt could well afford to pay a tax in case the proposed duty was laid upon imported salt; all, however, who advocated this tax, declared themselves opposed to a tax on salt at all; but, if foreign salt was taxed, they wished that made at home also taxed.

Those opposed to this amendment, said that this was the first instance in this or any other country of an infant manufacture, and especially of a necessary of life, being taxed; that the tax would have the effect of discouraging these manufactures. Some salt-licks, it was said, had been already laid aside as unprofitable; that it would certainly be good policy in this Government to

encourage manufactures of every kind, but, more especially, of such articles as cannot be obtained from abroad in time of war. It was well known that this country suffered considerably during the Revolution for want of salt; but now, with proper encouragement, a sufficiency might be furnished from our own establishments. Besides, if this additional tax were to be imposed on salt, it would raise the price still higher to the consumers, as eventually every tax is paid by them. The business of taxation ought to be considered in the spirit of accommodation; the salt tax would bear a little hard on one part of the country, the impost and tonnage duty on another, the spirit tax on another, the carriage and stamp tax on another, and the direct taxes on others. It would be impossible to get taxes to bear equally on all. It was believed that if the system was taken together it would operate as equally as any other that could be produced.

The question was taken on agreeing to this tax of ten cents a bushel on domestic salt, and negatived—yeas 22, nays 96, as follows:

YEAS—Stevenson Archer, David Bard, Martin Chittenden, Matthew Clay, James Cochran, William Crawford, Asa Fitch, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Joseph Pearson, Israel Pickens, John Randolph, John Smith, Richard Stanford, Benjamin Tallmadge, and Robert Wright.

NAYS—Willis Alston, jun., William Anderson, Ezekiel Bacon, John Baker, Burwell Bassett, William W. Bibb, Abijah Bigelow, William Blackledge, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, Lewis Condit, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Ely, James Emott, William Findley, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, Richard Jackson, jun., Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Lyman Law, Joseph Lefever, Joseph Lewis, jun., Peter Little, Robert Le Roy Livingston, William Lowndes, Aaron Lyle, Samuel McKee, Alexander McKim, Arunah Metcalf, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Jonathan O. Mosely, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, William Piper, Timothy Pitkin, jun., James Pleasants, jun., Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, Henry M. Ridgely, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, William Rodman Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Adam Seybert, Daniel Sheffey, John Smilie, George Smith, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Uri Tracy, George M. Troup, Charles Turner, jun., Pierre Van Cortlandt, jun., Laban Wheaton, Leonard White, Robert Whitehill, Thomas Wilson, and Richard Winn.

The question was then taken on agreeing to the proposition, as reported by the Committee of the Whole, for laying a duty of twenty cents a bushel on imported salt, and negatived—yeas 57, nays 60, as follows:

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YEAS—Willis Alston, junior, William Anderson, Stevenson Archer, Ezekiel Bacon, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, William Butler, John C. Calhoun, Langdon Cheves, John Dawson, Joseph Desha, Elias Earle, William Findley, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Jacob Hufty, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Peter Little, William Lowndes, Aaron Lyle, Samuel McKee, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchell, Jeremiah Morrow, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, James Pleasants, jun., Peter B. Porter, Josiah Quincy, William Reed, Samuel Ringgold, John Roane, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, John Smilie, George Smith, Silas Stow, Uri Tracy, George M. Troup, Charles Turner, jun., Pierre Van Cortlandt, jun., and Richard Winn.

NAYS—John Baker, David Bard, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Robert Brown, William A. Burwell, Epaphroditus Champion, Martin Chittenden, Matthew Clay, James Cochran, Lewis Condit, William Crawford, Roger Davis, Samuel Dinsmoor, William Ely, James Emott, Asa Fitch, Meshack Franklin, Thomas Gholson, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, John A. Harper, Aylett Hawes, Richard Jackson, jun., Philip B. Key, Lyman Law, Joseph Lefever, Joseph Lewis, jun., Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, James Morgan, Jonathan O. Mosley, Hugh Nelson, Joseph Pearson, William Piper, Timothy Pitkin, jun., Benjamin Pond, Elisha R. Potter, John Randolph, Henry M. Ridgely, John Rhea, William Rodman, John Sevier, Samuel Shaw, Daniel Sheffey, John Smith, Richard Stanford, Philip Stuart, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Robert Whitehill, William Widgery, Thomas Wilson, and Robert Wright.

[Yeas 57, nays 60. Absent on this vote twenty-three members, viz: MESSRS. BARTLETT, SULLIVAN, CUTTS, TALLMAN, AVERY, COOK, PAULDING, HYNEMAN, TALIAFERRO, SAWYER, WILLIAMS, COBB, and GANNETT, absent from the city; and MESSRS. CLOPTON, BIGELOW, WHITE, DAVENPORT, STURGES, FISK, STRONG, LIVINGSTON, GOLD, and RICHARDSON, absent from indisposition and other causes.]

The fifth resolution next came under consideration for laying duties on distillers, when

Mr. McKIM moved to strike out what relates to laying a duty on the capacity of the still, and to insert in its place twenty-five cents per gallon.

Mr. MOORE said the vote which had just been taken and decided against taxing salt, induced him to be in favor of the motion of the gentleman from Maryland, or at least in favor of substituting some other article in lieu of salt, on which a tax will operate with more equality and less oppression on the poor. I am fully apprized, said he, of the necessity of providing the sinews of war, and I can assure you, Mr. Speaker, that I shall be as ready and willing to use them in the assertion of the rights of my country as any gentleman on this floor. Although I have voted against the taxing salt, as I consider it an article of the first necessity, which ought not to be taxed,

I am willing to raise the sum taxed on salt on any other article less objectionable; I would even prefer laying it on land. I will, therefore, suggest to the honorable gentleman from Maryland the propriety of withdrawing his motion until the resolutions are gone through; the whole subject will then be open for consideration, and the House can select some other article as a proper substitute for salt, which I hope will be found equally convenient and less odious.

Mr. SEYBERT did not know that he should have made a single observation on this subject, had it not been for the vote which had just been taken; but he must acknowledge he felt himself so disappointed and mortified, that he believed he should vote against every other tax. For, if gentlemen will oppose one item of taxation, because it happens to fall a little harder on some sections of the country than others; whilst other gentlemen, for the sake of accommodation, have consented to lay much heavier burdens on their constituents, he despaired of establishing any system of taxation. He had been told we were entering on a war for commerce. He did not so consider it. He believed we were about to engage in a war to maintain our honor, liberty, and sovereignty, as a nation. Whilst the Pennsylvanians are selling their wheat for two dollars a bushel, it could not be said they wanted a war to obtain any better price for their produce; if any part of the country were influenced by motives of interest, it must be the tobacco and cotton planters; it might, therefore, be rather termed a war for agriculture, and a particular species of it, than for commerce. But he had always considered it as having higher objects in view.

The SPEAKER declared the motion of the gentleman from Maryland to be out of order; as all propositions for raising revenue must first be discussed in Committee of the Whole.

A motion to adjourn was made and carried, and the House adjourned till Monday.

MONDAY, March 2.

Mr. WRIGHT reported a bill supplementary to the "Act more effectually to provide for the organization of the militia of the District of Columbia;" which was twice read and committed.

The SPEAKER laid before the House a report of the Secretary of the Treasury, in pursuance of a resolution of the House calling on him for a statement of the exports of the United States for some years past; also, a letter from the Secretary of the Treasury, the Secretary of War and Comptroller, on the subject of the refugee claims, &c.; also, a letter from the Chief Justice of the United States in behalf of the Supreme Court, acknowledging the favor conferred on them by the use of the Congressional Library.

DIVORCES IN THE DISTRICT.

Mr. LEWIS, from the Committee on the District of Columbia, made the following report:

The Committee for the District of Columbia, to whom were referred the petitions of Jane Deakins, praying

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for a divorce from William Deakins, and of David Beck, praying for a divorce from Ellen, his wife, submit the following report :

The only object which the petitioners can have in view is to be enabled, respectively, to enter into new contracts of marriage. Were marriages only a *civil institution*, the courts of law would be open to all parties seeking the redress now prayed for, for alleged breach of the marriage contract: but it is something more; it is a *divine ordinance*, and has been pronounced such by the highest legal as well as spiritual authority. The competency of any human tribunal to dissolve its sacred obligations may well be doubted. The justice or policy, under any circumstances, of weakening the matrimonial institution, upon the purity of which depends the very fabric of society itself, may be boldly denied. Divorces are not merely the effect of corruption of manners; they are the cause also. They hold out temptations to crime which human infirmity cannot at all times resist. They hold out incentives to that adultery which they are called in to remedy. Extreme cases may indeed be put, but they are rare; both parties are generally in fault. Shall a very few individuals, who present themselves in a questionable shape, be debared from contracting a second marriage, or shall the foundations of society be loosened for their special accommodation? Shall the heaviest public injury be encountered for the convenience of those, who, for the most part, have shown how little reliance is to be placed upon their virtue or discretion? Shall incentives to nuptial infidelity be presented to the great body of society for the personal gratification of a few unfortunate members, diffusing dissatisfaction and discontent, where, but for the deceitful hope of divorce, they had never been known?

The frequency of divorces may be taken as an unerring criterion of the depravity of morals. A respectable authority has declared, that "from the Reformation to the commencement of the eighteenth century, there had occurred only four instances of Parliamentary divorce; but, in the present reign, they had increased to the enormous number of one hundred and ninety-three." It is notorious that the crime which is made the ground-work of the divorce, is frequently committed with the most "deliberate and unblushing indifference, for the purpose of enabling the adulterer and adultery thereafter to intermarry. Your committee will not attempt to pursue the subject further. It is calculated to inspire the most solemn reflections. They are opposed to divorce upon principle, as tending to excite family discord; as bearing hard upon the weaker sex, whom it is especially incumbent upon us to protect and to cherish; above all, as weakening the matrimonial tie, upon the sanctity of which depend "all the charities of father, son, and brother." The committee will not enter into the question how far it may be wise or politic to hold forth to the world this District as an asylum for those who wish to obtain absolute from the marriage vow. They will content themselves with submitting the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

Referred to a Committee of the Whole on Monday next.

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The House proceeded to consider the order of the day.

Mr. GHOLSON said he had witnessed with ex-

treme regret, the dissatisfaction that was prevalent amongst his friends in consequence of the rejection of the resolution recommending a tax on salt. He had voted against that particular resolution, and, after reviewing with the most rigid impartiality his conduct upon that occasion, he could perceive in it nothing to disapprove. I most distinctly and explicitly, said Mr. G., upon that occasion, stated in my place that, if the salt tax could, by any gentleman, be shown to be necessary to equalize the system of taxation, I was ready to yield my assent to it, although, as was acknowledged, it would operate with peculiar hardship on all the middle country, a section of which I have the honor to represent. Neither the honorable Chairman of the Committee of Ways and Means, nor any other gentleman, undertook to prove that this tax was requisite to produce this equal effect. I, moreover, then stated, as I now declare, that I was, and am prepared to go as far as any man in providing the necessary revenue to sustain the credit of the country in the approaching contest. My object was to impose the taxes on subjects that could best bear them. I thought there were many objects of taxation preferable to salt, (an indispensable of life,) and was desirous of raising the amount contemplated from salt by a tax on whiskey, an addition to the direct tax, or in any other more eligible mode. But it now seems that, if the article of salt is excluded, the whole system of taxation will be endangered. We are told in conversation, since the vote on the salt tax, that the system which has been presented by the Committee of Ways and Means is a system of compromise and concession, and that it must be taken altogether, the bad with the good; that, if we pay the salt tax, the Eastern and the Western country will suffer peculiarly by an increase of the impost, and by the land tax. The middle country will experience no exemption from these particular burdens. Sooner than this measure should fail; sooner than we should not provide for the expenses we have incurred to resist the encroachments of our enemy; sooner, in fine, than degrade and disgrace the nation, I believe it would be better for us to take the whole draught, just as it has been proposed. Yes, sir, perhaps I might say, even if it were hemlock. I, sir, would vote two dollars a bushel on salt, rather than see the present course of policy frustrated. Mr. Speaker, we who form the majority have all the same end in view: the maintenance of the rights, honor, and independence of the country against the lawless aggressions of our enemy. To attain this end, I would take the best means. Rather than be defeated in the accomplishment of it, I would agree to any means not absolutely intolerable. It is therefore that I, on the present occasion, will concede much of my own opinion, in order to harmonize with, and conciliate those with whom I unfortunately disagree on this particular point. Concession and compromise, among those who have the same common object, are often indispensable duties. It is by this sentiment, sir, that I am actuated. We should not

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dispute among ourselves. It is by union and harmony only that we can serve our constituents. I, for one, will pledge myself that I will furnish no cause of schism amongst our friends. I am happy, said he, in indulging the hope that several of my friends, with whom I have acted on this subject, and who have, I doubt not, been influenced by the same motives with myself, will concur with me in the motion I am about to make. Under these impressions, I move you, sir, to reconsider the vote, of Friday last, on the resolution imposing a tax on salt.

Mr NELSON said he should feel no disposition to object to any gentleman reconsidering any vote which he had given, if it could be said that it had been given with precipitancy, or without mature deliberation. But, when he reflected that this question was not for the first time before the House; that at an early period of the session, two distinct propositions of this nature had been rejected after debate; that the same question had been again discussed in Committee of the whole House; and that the mind of every man was brought to bear upon it, and that it was then decided that a tax should not be laid—he could find no apology for reconsidering that discussion. He found no apology in the reason assigned, that its rejection was evidence of an indisposition to assert the rights of the Government. I do not, said Mr. N., feel myself amenable to this censure, because, let it be known, that when I take a tax away from one subject, I shall not hesitate a moment to impose it to an equal amount on another. Away, then, with the idea that, by the rejection of this item, we shall break up the plan of the Government; more especially, let not such an argument have weight, when I shall show that this tax is incapable of producing any material revenue whatever.

Mr. N. said he had, indeed, been astonished to hear a gentleman say that the rejection of this item would break up the whole system; that there was such symmetry in the report that, take away but one member, and the whole fabric was dissolved. The symmetry of the system had not so forcibly struck him. He saw deformity in it. He saw a heterogeneous mass of discordant materials mixed up together; but not so intimately interwoven that they cannot be separated. Let this item be omitted, as it may be, without a derangement of the system, and the amount expected to accrue from it be levied on some article more productive, which will raise a revenue more adequate to the end which it is the object of the report to attain.

This is the third time this session that the question now under consideration has been presented to the House. I ask the chairman of the Committee of Ways and Means (said Mr. N.) what is the object of this proposition? Whether it be intended as a protecting duty on the manufacture of salt, or as a source of revenue, an un-failing certain source of revenue in time of pressure? If we are told that the object is to impose this as a protecting duty on the manufacture of this article, I will ask of the gentleman where is

the necessity of giving this protection? Is there any large capital necessary for carrying on salt works? Do they require any great complication of machinery? Let gentlemen turn their eye to Turk's Island, the great source from which supplies of salt are drawn. Receptacles for the salt water are dug on the open beach, where the salt is formed by the process of evaporation. The salt is then heaped up, and thence carried to the store-houses. The same process takes place in the manufacture of that article on our seacoast. It is true that at the saline works on our frontier boilers are used. But is there such a peculiar complication of machinery required, involving great expense, that the Government is to hold out encouragement exclusively to this manufacture? Permit me to say, even if were so, it will sufficiently feel the protecting influence of the Government. The moment we are involved in war all foreign salt will be excluded, except that which comes into the country indirectly and improperly. A sufficient bounty on manufacture will be afforded by the monopoly of supply such a state of things will foster. This, therefore, cannot be considered as a protecting duty; it cannot be considered in that light, when we find it incorporated in a system of taxation, which, we are told, is necessary to raise a revenue to enable us to wield the energies of the nation against a foreign enemy.

But, when I turn my eyes to the subject of this tax on salt, which is the source whence it is calculated that a revenue of \$400,000 is to be derived, I am content to discard the idea that the salt tax is a tax on the poor man; that he who eats but little meat must mingle with the salt he uses the reflection, that he pays a tax for this necessary of life, of which, from the absence of other condiments which the more affluent use, he consumes more than they. Putting all this out of view, I will view this question merely on the ground of a tax productive of revenue to the amount which is calculated to be drawn from it. What, asked Mr. N., is the greatest revenue which has ever been drawn from salt? Five hundred thousand dollars, in the most prosperous times of commerce, is the utmost which this tax would produce. Whence is salt imported? From Spain, St. Ubes, Portugal, Liverpool, and a small portion from the West Indies. Viewing this question as a statesman ought to look at it, I would not calculate on the European portion of this trade; I would calculate on the whole European supply being precluded, and our import of salt confined to the West Indies—the total of which is not a tenth part of the amount we usually import. In 1807, the revenue of the United States amounted to upwards of sixteen millions of dollars. According to the estimate of the Secretary of the Treasury, of the revenue derivable from commerce during a war, our revenue from that source will be reduced to about one-eighth part of what it was during the year 1807. The amount of salt imported into the United States during the year 1807, was about three and a third millions of bushels. If we only

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allow the importation of salt to be reduced in the same proportion as the general import—that is to say, about one-eighth of the repeal importation—we shall find on calculation that the quantity imported will be about four hundred and seventeen thousand eight hundred bushels, on which a tax of twenty cents per bushel will produce only eighty-three thousand five hundred and sixty dollars. But the chairman of the Committee of Ways and Means has calculated the revenue derivable from this source at four hundred thousand dollars! I do not believe, sir, as our importation will be reduced seven-eighths, that you will get fifty thousand from it. I put then out of the argument the operation of this tax upon an indispensable necessary of life; the argument in its support, bottomed on the revenue it will produce, must fail; it will not produce one-eighth of the estimated amount.

But suppose my calculations are not certainly accurate; suppose it only doubtful whether the source be fallible whence a revenue of four hundred thousand dollars is estimated to be drawn. Is it the policy of a wise statesman to lay a tax, the productiveness of which is doubtful? If the revenue be deficient when the pinch of war comes, what are we to resort to as a substitute? I would much prefer, to this tax, to add five hundred thousand dollars to the amount of the direct tax, which would, at least, not be drawn from the hard-working mass of the community, but from richer subjects. It would be wise to resort to this mode of raising a revenue in preference to the precarious tax on salt, because, like that, it cannot fail—the land is a pledge for the payment of the tax; the salt is not here to be pledged, and never may be.

I ask the chairman of the Committee of Ways and Means, whether it is intended to connect with this duty the former drawback or bounty on its exportation; for, if we do that, I find, by turning to the report of the Secretary of the Treasury, that the bounty on its exportation will amount to \$188,000, double or treble the whole revenue which will probably be received from this tax, and more than could, in any view, be derived from the importations into the country whence the fishermen sail who have heretofore received this bounty.

I cannot believe, sir, that the chairman of the Committee of Ways and Means has not viewed this subject as I have; that he has not examined into the amount of our usual importation in the most prosperous times. I cannot believe that that astute and discerning gentleman has not turned his eyes to this subject, so as to see what revenue this tax will produce; that he cannot see, if the revenue from commerce is to experience a depreciation from sixteen millions to two millions five hundred thousand dollars, the importation of salt must be at least proportionably diminished. He must, then, view this tax as a protecting duty on salt, and not as a source of revenue. I am against affording this protecting duty at the expense of the poor, the laborious, and the industrious; those who earn their bread by the sweat of their brows

I object to it because salt is an article involving no great expense in manufacture, and because there is no justice in exclusively patronizing this manufacture, when others do not experience the favor of the Government.

I trust, therefore, sir, that those gentlemen who at our last sitting were convinced this duty ought not to be imposed, will stand firm to their posts, and not be driven from them by any alarm excited about abandoning the Government, or weakening the measures which the exigency calls for. I have no fear for myself of any such imputation; for, be it remembered, that whilst I discard this tax, as unworthy the consideration of a statesman, I am prepared to substitute for it some one more efficient and better calculated to answer the purpose for which it is designed.

Mr. BACON said, that having heretofore given his views on the subject pretty much at large, he had refrained from entering into the discussion, which had taken place on the subject a day or two ago; and did not propose now to say much upon it. It has been said, that this was a tax bearing peculiarly hard on the middle country. Mr. B. said he acknowledged that he considered it a tax operating on the middle country more than our seaboard or on the Western frontier. But there were various other taxes proposed by this report, which had an important and heavy bearing on the people of the seaboard and cities, and on the people of the Western waters, by which the people of the Western country would be comparatively little affected. I am, said Mr. B., what is called a middle country man, living one hundred and fifty miles from the seaboard; and it would be far from me to impose heavy taxes on such people unnecessarily. The drawbacks, tonnage duty, and stamps, will operate almost exclusively on the seaboard; and the people of the cities will pay their full proportion of the internal taxes. The direct tax will operate with peculiar severity on the Western country, it may be.

Mr. WRIGHT.—Mr. Speaker: I regret that the honorable member from Virginia, (Mr. GHOLSON,) who on Friday last voted against the tax of twenty cents on salt, should now propose the reconsideration of that subject, with a view of fixing this unequal, and of course unjust tax on the people of the United States, or rather on a part of them; however, I hope, that all the "out-of-door management," which the gentleman politely calls the interference of his friends, will not produce such a result, particularly as the gentleman has informed us that he is not dissatisfied with his own vote.

Sir, when a subject is fully and fairly discussed and decided, gentlemen ought to acquiesce in the decision of a majority, the vital principle of a Republican Government.

The reconsideration of a subject reflects on the House for the immaturity of their decision, and ought not hastily to be adopted. Sir, are we a set of weathercocks, to be turned about by every idle wind? No! I hope not, let it blow from what quarter it may. Are we ready to present the un-

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gracious spectacle of recording our opinions for and against the same thing? In the first case, on a full discussion of the subject on both sides; in the second, under the "out-of-doors" influence, which the gentleman has informed us has induced him to make the motion. For the honor of the House I hope this motion will not succeed.

Sir, at the last session, when the question for rechartering the odious British bank was before us, we had to encounter the influence of the Secretary of the Treasury; and after it was rejected by this House, he, in reply to the inquiries of the Senate, where it was agitated, but fortunately rejected, endeavored to impress its importance on the nation, and by these means to force it on the people. Now, at this session, he has told us, that, if we had a National Bank, we should have no occasion to resort to internal taxes, thereby calling the American people to review the conduct of their Representatives, in not continuing that bank, and thereby to fix the odium of these odious taxes on the National Legislature. Now a system of taxes is presented, truly odious in my opinion to the people, to disgust them with their Representatives, and to chill the war spirit. Yet it is, under Treasury influence, to be impressed on the Committee of Ways and Means, and through them upon the House.

Sir, I, as a Representative of the people, feel it my duty to resist it with all my energies, and not to sacrifice the interest of my country at the shrine of the Secretary of the Treasury, or any other department; though I strongly incline to believe his projected system of taxes has not their preference.

Sir, is there anything of originality in this system? No! It is treading in the muddy footsteps of his official predecessors, in attempting to strap round the necks of the people this odious system of taxation, adopted by them, for which they have been condemned by the people and dismissed from power. We all recollect the clamor against Mr. Adams's Administration for this system of odious stamp taxes and excises, and the more odious host of tax gatherers, who were let loose upon the people, by whose appointments and patronage the country was then overrun with electioneering agents for that Administration. We all had a hand in impressing this opinion upon the people at that time; and I yet religiously believe it to have been a correct one.

When Mr. Jefferson came into office, he, as President, advised us to put down those odious taxes, and we repealed the law; he also advised us to repeal the law imposing a tax on salt, as oppressive to the poor, and we did so. And now, sir, with the view of destroying this Administration, with this sentence of a dismissal of our predecessors in office before our eyes, a sentence not only sanctioned but executed by ourselves, we are to be pressed into a system known to be odious in the sight of the people, and which on its first presentation in a letter from the Secretary of the Treasury to the Committee of Ways and Means, and by them submitted to us, produced such an excitement in the House.

Sir, having heretofore made these charges against our political opponents, how can we defend ourselves against their just odium? Are we prepared to urge their correctness now, which we then so successfully denounced? No, sir, I acted then on principle, which is immutable; and I am satisfied the people did so too, and that they will not be found to approve in us what they condemned in our predecessors. I am not so delirious as to take the deleterious draught, by which our political enemies were destroyed; it would be political suicide.

Sir, the proposition to lay a tax of twenty cents on salt ought to be rejected; it is unequal in its operation on the United States, and it is oppressive to the poor. By the Constitution it is provided, as a guard against the inequality of taxes among the States, that direct taxes shall be apportioned among the States by the rate of representation; this fixes the principle by which the States should contribute to the "common defence and general welfare." Does the tax on salt operate in this ratio on the respective States? No, sir, the States of Kentucky, Tennessee, Ohio, the Western Territories, are entirely supported by home made salt; the greater part of New York, the western parts of Pennsylvania, and the western part of Virginia, are so in a great measure; and at some of the salt-works, we are informed, at a price not exceeding ten cents. These parts of the Union will, therefore, pay no tax on imported salt. On Friday, it was proposed to lay a tax of ten cents on home made salt, they who did not contribute by the tax on imported salt might pay something to the support of the war by the tax on country salt; but this was not only rejected, but those who opposed the tax of twenty cents on imported salt were denounced as being opposed to taxes to carry on the war, and insinuations made that they were against the war. I think those who do not use imported salt, and who are opposed to the tax of ten cents on country salt, ought to have had the modesty of being silent on the subject.

Sir, the tax on imported salt will operate as a bounty on home made salt, a net profit to the manufacturer of that article, which he will levy on the consumer; ten cents of which, by way of tax, I wished to draw into the Treasury, but this was rejected.

So much have I urged against the unequal bearing of this salt tax on the respective States; but, sir, I have a still stronger objection to it, its oppression of the poor. Salt is not only a necessary but an indispensable, which the poor cannot do without, and a poor family in proportion to their numbers will consume as much salt as a rich family, and of course pay as much of the tax on salt. Sir, can this be right? No! Let us lay it directly on property, whereby all will be taxed in proportion to their wealth, the only mode in which taxes can be laid by the Constitution of Maryland, whereby the poor are protected from oppressive taxes. Sir, we ought to recollect that we are now on the eve of a war, in which we shall have to pay a tax in blood, and that the poor will pay this tax

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in the ratio of the privates to the officers, and yet you make the poor pay an equal salt tax, which at all times would be unequal and oppressive, but at this time impolitic and cruel.

Sir, in the *Federalist*, the work of Mr. Madison and Mr. Hamilton, we are told, that, in the selection of articles of taxation, it ought to be made so as to bear equally throughout the United States, and that, if after the selection of an article, the practical result proved it unequal, it ought to be discontinued; but now we are advised by the Secretary of the Treasury to lay a tax of twenty cents on imported salt, an article known not to be used in Kentucky, Tennessee, and Ohio, the Western Territories, the greater part of New York, the western parts of Virginia, and the western parts of Pennsylvania, and that at the rate of forty per cent., *ad valorem*, on an indispensable to the poor, when even on luxuries *no ad valorem* duty ever exceeded twenty per cent.

Sir, in the time of General WASHINGTON'S Administration, spirits distilled in the United States out of foreign articles were taxed at the rate of from eight to twenty-five cents, according to the proof; and spirits distilled out of domestic materials were taxed at the rate of from seven to eighteen cents per gallon, according to the proof. But now, on the eve of a war, and as a war tax, when we have doubled the duty on foreign materials, and raised the duty on imported spirits from thirty to sixty cents per gallon, we have been advised by the Secretary of the Treasury to lay a tax on whiskey, of three cents per gallon, and the Committee of Ways and Means have had the address to reduce even that to not a cent and a quarter per gallon; but it must and will be recollected, that two of that committee are from Pennsylvania and Kentucky, who are so favored by this system.

Sir, by the report of the marshals heretofore made, nearly twenty four millions of gallons of whiskey were made in this country per year, which by the high price on imported spirits, under a duty of sixty cents, will be increased to thirty millions, I have no doubt; which at ten cents, would produce \$3,000,000; but it is proposed to make it produce \$275,000 only, not one cent per gallon. Thus, in time of war, a tax of not one cent per gallon, is to be put on whiskey, which, under General WASHINGTON'S Administration, in time of peace, was taxed from seven to eighteen cents per gallon; but, notwithstanding that petty tax on whiskey, and no tax on home made salt, sixty cents per gallon is put on imported spirits, twenty cents on salt, five cents on brown sugar, and the carriage tax, heretofore so unequal, is to be raised more than one hundred per cent. on the former tax on carriages; and although those reasons have been urged against this unequal and oppressive tax with a proposition to lay it on property, yet we are charged with having no stomach to the war, and because we will not submit to oppression at home, we will not resist it abroad. This is their modern logic, but I have perfect confidence that from

such premises the people will draw very different conclusions.

Sir, that my objections may be distinctly understood, and the inequality of the proposed system in its bearing on Maryland precisely stated, I will refer to the report of the Secretary of the Treasury in eighteen hundred. Then Maryland paid more of the tax on carriages than New York or Pennsylvania, and nearly double the tax paid either by North or South Carolina, and this tax is to be doubled. Then Maryland with eight Representatives, paid \$86,718. While Virginia, with nineteen Representatives, paid \$144,168; and North Carolina with ten Representatives, paid \$46,479, and yet we must not complain. From the same report it does not appear that Kentucky paid anything, and I am informed that it cost the United States five thousand dollars in the costs of non-suits, to no purpose. And, sir, so obnoxious were some of these taxes in Pennsylvania, that we need not now be told of the insurrection against them, and the army that marched to quell it. And yet, sir, the honorable member from Kentucky (Mr. McKEE) and the honorable member from Pennsylvania (Mr. SMILIE) are among the most strenuous advocates of this system; but when its bearing on their constituents is understood, they will forgive them. I am not one of the admirers of such disinterested patriotism, and such devotion to impose equal taxes on all for the "general defence and common welfare." However, I trust that this question will not be settled by their standard, but by the standard of the Constitution. And that I, as a Representative of Maryland, shall be excused for endeavoring to prevent my constituents from bearing more than their just proportion of taxes, when I pledge myself, they will always be ready and willing to pay their just proportion in blood or treasure to avenge the wrongs of a bleeding country, and six thousand two hundred and fifty-seven impressed seamen.

Messrs. McKEE, SMILIE, and CHEVES, supported the motion.

The question on reconsideration was decided in the affirmative—yeas 70, nays 53, as follows:

YEAS—Willis Alston, jr., William Anderson, Stevenson Archer, Ezekiel Bacon, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Lewis Condict, Roger Davis, John Dawson, Joseph Desha, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Peter Little, William Lowndes, Aaron Lyle, Thomas Moore, Samuel McKee, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jun., Peter B. Porter, Josiah Quincy, William Reed, Samuel Ringgold, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, John Sevier, Adam Seybert, John Smilie, George Smith, Silas Stow, William Strong, Uri Tracy, John Taliaferro, George M. Troup,

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Charles Turner, jr., William Widgery, and Richard Winn.

NAYS—John Baker, David Bard, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Robert Brown, Epaphroditus Champion, Martin Chittenden, Matthew Clay, James Cochran, William Crawford, John Davenport, jr., Samuel Dinsmoor, William Ely, James Emott, James Fisk, Asa Fitch, Charles Goldsborough, Edwin Gray, John A. Harper, Richard Jackson, jr., Lyman Law, Joseph Lefever, Joseph Lewis, jr., Robert Le Roy Livingston, Nathaniel Macon, Archibald McBryde, William McCoy, Jonathan O. Moseley, Hugh Nelson, Joseph Pearson, Timothy Pitkin, jr., Benjamin Pond, Elisha R. Potter, John Randolph, William M. Richardson, Henry M. Ridgely, John Rhea, William Rodman, Samuel Shaw, Daniel Sheffey, John Smith, Richard Stanford, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, Robert Whitehill, Thomas Wilson, and Robert Wright.

The question was then taken on the resolution for imposing a duty of twenty cents per bushel on imported salt, without further debate, and carried—yeas 66, nays 54. as follows:

YEAS—Willis Alston, jr., William Anderson, Stevenson Archer, Ezekiel Bacon, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, William Butler, John C. Calhoun, Lewis Condict, Roger Davis, John Dawson, Joseph Desha, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacoec, Peter Little, William Lowndes, Aaron Lyle, Thomas Moore, Samuel McKee, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, Jas. Pleasants, jr., Peter B. Porter, Josiah Quincy, William Reed, Samuel Ringgold, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, John Sevier, Adam Seybert, John Smilie, George Smith, William Strong, John Taliaferro, George M. Troup, Charles Turner, jr., William Widgery, and Richard Winn.

NAYS—John Baker, David Bard, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Robert Brown, William A. Burwell, Epaphroditus Champion, Martin Chittenden, Matthew Clay, James Cochran, William Crawford, John Davenport, jr., Samuel Dinsmoor, William Ely, James Emott, James Fisk, Asa Fitch, Charles Goldsborough, Edwin Gray, John A. Harper, Aylett Hawes, Richard Jackson, jr., Lyman Law, Joseph Lefever, Joseph Lewis, jr., Nathaniel Macon, George C. Maxwell, Archibald McBryde, William McCoy, Jonathan O. Moseley, Hugh Nelson, Joseph Pearson, Timothy Pitkin, jr., Benjamin Pond, Elisha R. Potter, John Randolph, William M. Richardson, Henry M. Ridgely, John Rhea, William Rodman, Daniel Sheffey, John Smith, Richard Stanford, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, Robert Whitehill, Thomas Wilson, and Robert Wright.

Mr. McKim then renewed his motion to amend the resolution for taxing stills, by substituting for a part of it the following clause to impose a duty:

"On all spirits distilled wholly or in part from for-

eign materials, at different rates, to average twenty-eight cents per gallon.

"On all spirits distilled wholly from domestic growth and produce, at any distillery where there are one or more stills of more capacity, singly or together, than one hundred and fifty gallons, at different rates, to average twenty-five cents per gallon.

"And on licences to distil spirits in all other stills at the following rates."

[The rates which follow are in the original resolution, \$5 on other stills employed in distilling from fruit, and \$15 on all other stills employed in distilling from domestic materials.]

The **SPEAKER** declaring it to be necessary that all such propositions should first be discussed in Committee of the Whole—

Mr. McKim moved to recommit the resolution proposed to be amended, to a Committee of the Whole, for the purpose of making the above amendment.

This motion was opposed by Mr. JOHNSON, and Mr. SMILIE, and supported by Mr. FISK, when the House adjourned without deciding the question.

TUESDAY, March 3.

WAR TAXES.

The House proceeded to the consideration of the order of the day, viz: the report of the Committee of Ways and Means on the war taxes.

Mr. McKim's motion to recommit to a Committee of the Whole the resolution embracing a tax on whiskey, for the purpose of amending it, being still under consideration—

Mr. McKim said, when this subject was before the Committee of the Whole, on Thursday last, under an amendment which I then had the honor to offer to the consideration of the Committee, I have reason to believe that the object of the amendment, which was the same in substance as that now offered, was not generally understood. I believed many gentlemen supposed that my sole object was to equalize the taxes proposed, or to modify the general system of taxation proposed by the Committee of Ways and Means, so as that it should have a more equal bearing on the different sections of the country, and on the different classes of society. This, it is true, Mr. Speaker, was in part my object, but this was only a minor part of it.

Mr. Speaker, the great object I had in view, by the amendment, was to diminish the number of the taxes proposed by the Committee of Ways and Means, which I am of opinion will produce unnecessary discontent, distress, and oppression, nearly in proportion to the number of items proposed to be taxed; and by the proposition I had the honor to submit, a tax of twenty-five cents a gallon on domestic distilled spirits, I believe that six millions of dollars would be raised, and this sum, with the additional import duty, tonnage, and other direct taxes already agreed to by the House, will raise more than the sum required by the Government, and, if the amendment be agreed to, we may safely dismiss all the other internal taxes proposed by the committee. To provide a

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fund that would enable us to get rid of the other items of internal taxation, so odious in their nature, and so oppressive in their operation, was the principal object of the amendment I had the honor to propose to the fifth resolution. I do consider this amendment of importance, if viewed in its operation and effects on the system of taxation proposed, or as it may have a bearing on the interests, the ease, and happiness of the American people; and as I have reason to believe that my object in offering the amendment to the Committee of the Whole was not fully understood, I hope the House will indulge me by going again into the Committee of the Whole, in order that the subject, now better understood, may there be discussed.

Mr. Speaker, the Committee of Ways and Means propose by their report to raise by internal, direct, and indirect taxes the sum of four million seven hundred and twenty-five thousand dollars, as follows:

On licenses to distil spirits, the sum of	\$275,000
On retailing licenses - - - -	500,000
On auction licenses - - - -	150,000
Excise on refined sugar - - - -	200,000
By carriage tax - - - -	150,000
By stamp tax - - - -	450,000

1,725,000

And by land and other direct taxes - 3,000,000

Total of internal taxes proposed - 4,725,000

The amendment I have proposed, of twenty-five cents a gallon on domestic distilled spirits, may safely be relied on to produce five or six millions of dollars. This, with the other taxes agreed to by the House, will give more money than is required to be raised by the report of the committee; and with this, if the amendment be agreed to, we may dismiss all the other internal taxes proposed. The land tax, the stamp tax, and all the other internal taxes, may be dismissed, and with them the trouble, the distress, and the oppression, that must necessarily result from their imposition and collection.

Mr. Speaker, I have estimated the product of the tax of twenty-five cents per gallon on domestic distilled spirits at five or six millions of dollars. The quantity distilled the last year appears, by returns made by marshals, pursuant to a resolution of Congress, to be a small fraction under twenty-four millions of gallons. From those data gentlemen will be able to calculate for themselves, and satisfy themselves of the correctness of my estimate. But I have referred to a document that I believe has never been laid before the House: the return of domestic manufactures, made by the marshals, at an early period of the present session. This return was made to the Secretary of the Treasury, and by him transmitted to the Committee of Commerce and Manufactures. It was examined by the members of that committee, and by several other members of this House. I think I have stated the quantity of these spirits truly; but if not, I hope some gen-

tlemen who have seen the document will correct me. If we should be engaged in war, and I see no possible way to avoid it, unless we bring on ourselves, and on the nation, the utmost degree of degradation and disgrace, then that supply of foreign spirits, which we have heretofore derived from the British West Indies, will be in a great measure cut off; and in that event, the home distillation will probably be increased to twenty-eight or thirty millions of gallons. But twenty-four millions will answer my purpose; twenty-four millions, if the amendment be adopted, will yield five or six millions of dollars, and will enable us to dismiss all the other internal taxes proposed by the committee.

Mr. Speaker, we have taken a stand that cannot be receded from—a stand that will create expense; and having voted with the majority to raise armies, to equip the navy, and for a variety of other measures of a warlike aspect, I think it my duty not to refuse the means of payment. I will, therefore, not interfere with the system of taxation proposed by the Committee of Ways and Means, until I have first found a substitute. I will not refuse any of the taxes they propose until I have selected some more suitable subject of taxation—one that will make the system operate more equally on the different sections of the country, and that will be less oppressive in its operation. I do not like the system that is proposed. I think it too diffusive; that it embraces too many objects; that it will require too many officers; and that it will be unnecessarily troublesome and oppressive in its operation. I will amend it if I can; but if I cannot—if the amendment I have proposed shall not obtain—much as I dislike it, I will take it as it is. I think it my duty, under existing circumstances, to concur in raising the necessary supplies in the most eligible and least oppressive form I can obtain them.

Mr. Speaker, the tax I propose is said to be odious, because it is an excise. True, it is odious; and all other internal taxes are odious, and nearly equally odious, whether they be in the nature of an excise, or in any other form. But will a tax of twenty-five cents per gallon on domestic spirits be more odious than an excise on refined sugar? Will it be more odious than a stamp tax, or a land tax, or any other of the internal taxes, proposed by the committee? I think not. And by the adoption of this, we may dismiss all the others; by the adoption of this, we may strike off five-sixths of them, and about five-sixths of all the trouble, vexation, distress, and oppression, they will produce. I beg gentlemen to look at this, and compare the operation of the system, amended as I have proposed, with what it will be in its present form. In its present form, a multitude of legal provisions must be consulted and obeyed. You must be watched and controlled in the management of your concerns, and many will be dunned, executed, and perplexed, by a swarm of officers, that must be appointed to carry the system into effect, and a vast patronage will be created, that one day or another may be dangerous to the liberties of the country. If the amend-

ment prevails, no trouble or vexation can accrue to the people generally from the operation of the tax it proposes. The great mass of the people will have nothing to do with it, only to pay a little more when they buy their liquor. They will have no laws to consult, no officers to watch or restrain them in their business, none to dun, vex, or execute them. The distiller will pay the entire of this tax in the first instance, but in that he is not injured; he will recover it back in the sales of his liquor; he adds the duty to the cost of the article, and fixes a general price to cover both cost and duty, and to yield the profit he proposes to himself by the business; and the duty is made to yield him as good a profit as he has on the cost of the article; and frequently he will be in cash, by sales, for part of the duty before he is called on to pay it. It is true the distillers will have some trouble; they will have to consult the law and obey it, and they will be visited by officers. This, Mr. Speaker, is much to be regretted; but, if our rights are to be defended, the Government must raise money by internal taxes; none of them will give less trouble than this; and many of them much more. Each of the internal taxes proposed by the committee, will, I conceive, be productive of as much trouble and distress as this, and will not altogether produce as much money as this.

Mr. Speaker, this tax is said to be odious; but why is it odious? Will it operate more oppressively than any of the internal taxes proposed by the committee? It will not; and if, by the adoption of this, we get rid of many of those, its operation singly will be much less oppressive than their operation jointly. I care nothing for names. When a tax is to be paid, the people do not ask what it is called; they ask how much they have to pay, and how much trouble the laying and collection of it will impose on them. The tax which is easiest paid, that gives the least trouble, and is the least oppressive, will be preferred by the people, and ought to be preferred by this House. The honorable committee have admitted the excise principle of taxation; they have recommended an excise on refined sugar; and will they say that an excise on spirit is odious, and that an excise on refined sugar is innoxious and in unison with the American feeling? Surely they will not. The same odious use of power that may be necessary to its execution in the one, will be necessary in the other. This tax on refined sugar will produce but a trifle; on spirits it will produce all the money required; and if you adopt it on the latter, you may dismiss it from the former.

Mr. Speaker, some gentlemen have expressed a wish that I would be satisfied with a tax of ten or twelve cents per gallon on home-distilled spirits. This would not answer the purpose I have in view; it would not raise the money required; and would not enable us to get rid of the other odious internal taxes proposed by the Committee. This object I have steadily in view, to reduce the number of the taxes proposed, which will, I conceive, proportionably reduce the trouble, expense, and distress, that will result from the

proposed system of taxation; each tax will have its laws to be consulted; its officers to control your will in the management of your concerns; each will produce its peculiar difficulties and distress; and the more you can reduce their number the more you will diminish the troubles and distresses of the system. But I have voted the expense, and I will not reduce the means of payment; I will take the taxes in the best form I can get them. I have thought a tax of twenty-five cents a gallon on home-distilled spirits necessary to equalize the burden of taxes, as they will operate on the different sections of the Union, and on the different classes of society.

Mr. Speaker, this is objected to by my friends from the Westward, as operating with peculiar hardship on that section of the country. We are told by my honorable friend, who last spoke, (Mr. GRUNDY,) that almost their entire crops of grain are distilled; that whiskey is in general use to the westward; that it is the general beverage of the country; and if a tax be laid on this article, it will be a tax on the industry of the Western country that must check its rising prosperity; that I may well advocate this tax, coming from Maryland, where no whiskey is distilled, and where I would not be affected by it.

Mr. Speaker, a considerable quantity of spirit is distilled in Maryland, and a considerable quantity of it is consumed there; and much that comes from the Western country, whence it is brought for a market, is there consumed. The consumer pays the duty. People of the Western country make it; those on the seaboard consume it; and as far as this goes, the people on the seaboard pay the duty; and those to the westward enjoy the benefit. But I have no doubt this kind of spirit is produced in much greater abundance in the interior, and to the westward, than it is in Maryland.

Mr. Speaker, our Western friends have generally voted freely to impose an additional duty of thirty or forty cents per gallon on imported spirits. The original duty on the importation of this luxury was thirty or forty cents per gallon, it will now, by the aid of their votes, have to pay a tax of sixty or eighty cents, and I do not know but one hundred cents the gallon. Foreign spirits are consumed almost exclusively in the towns, and on the seaboard; they are scarcely to be met with in the interior, except in towns and in public houses; and is it just or equal to lay a tax that shall oblige one section of the country to drink spirit, if they drink it at all, under a tax of from sixty to eighty or even one hundred cents per gallon, and to suffer other sections to drink it at about one cent the gallon; for the duty proposed to be laid on the capacity of stills, will produce about one cent per gallon on the quantity distilled in the United States? What is there in this article, that it must not be approached by the unhallowed hand of the tax-gatherer? It is not a necessary of life, but a pernicious luxury, injurious to morals, and in its effects tending to disturb the peace and happiness of society. The aggregate quantity distilled in the United States is great, but the individual consumption is small. It is in general!

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use; you can scarcely enter a house, where you may not get a glass of spirits. It is therefore a fit subject of revenue; and when we are obliged to resort to internal taxes, I can see no reason why this article should be exempt from the common fate of other luxuries.

Mr. Speaker, the heavy additional duty which our Western friends have enabled us to impose on foreign spirits, will act as a bounty on home distillation. The more we embarrass the importation of foreign spirits by taxation, the more we encourage the home distillation; and I do think our Western brethren ought to bear a similar burden to that they have voted to impose on other sections of the country.

Mr. Speaker, I think the Western section of the country has less reason to refuse a fair participation in the taxes to be raised, than any other section of the Union, because they will derive more benefit, probably, from the expenditure of the tax than any other. The Army of the United States has been for years past almost exclusively within the reach of their market. They have enjoyed, and will enjoy, the benefit of the soldiers' pay expended among them, and the benefit of a market for their provisions, their whiskey and other articles, to supply the Army which the tax is intended to support; and I did expect that they would not have refused to suffer their whiskey to bear a part of the tax.

Mr. Speaker, my honorable friend from Pennsylvania, (Mr. SMILE,) the correctness of whose political course I have had so many occasions to admire and respect, considers a tax on domestic distilled spirits an odious tax, because it is an excise, and he has taken the trouble to quote Blackstone at considerable length, to prove that it is odious and oppressive. The gentleman might have spared this trouble—it was not necessary to invoke foreign aid on this subject; we all know that it is odious; we have all had the experience of an excise at home; and of a stamp tax, and of all the other internal taxes now proposed to be laid. We know that they were all odious, and that they were all oppressive; and this knowledge makes me wish to reduce their number, to diminish their odium, and as far as possible avert the oppression; for the odium and oppression will be nearly in proportion to the number of taxes embraced by the system.

Mr. Speaker, let us see what it is, in this tax on home distillation, that is so odious and oppressive—the people generally will have nothing to do with it, they will neither see nor feel its operation in any other way than in the price of the spirits they consume. The distiller pays the entire tax, and recovers it back in the sale of his liquor. It will give the distillers some trouble, and we may suffer some abuse in the collection; but I see no necessity for more trouble and abuse in this, than in the sugar excise, the land tax, or almost any of the other taxes proposed; and this being much more productive than all the others together, is on that account entitled to our preference. The people at large can only be affected by this tax, in a pecuniary way, in an amount

not greater than the amount of duty on the quantity of spirits they severally consume, which cannot be much.

Mr. Speaker, I am inclined to an opinion, that it would, among the less wealthy part of the community, be a family of some little extravagance that would use more than one barrel of this spirit in a year. The tax on that quantity, at twenty-five cents, as proposed, will be seven dollars and fifty cents; but it is probable that more than fifteen gallons a year would not be consumed by a common-sized family of sober habits—and if they be not sober, no care of ours can save them from difficulties. The duty on fifteen gallons will be three dollars and seventy-five cents; wealthy families, if they use more of the article, have more abundant means to pay; the rich are never in distress in this way: if it is oppressive to any part of the community, it will be so to the poorer classes of society. But neither seven dollars and fifty cents, nor three dollars and seventy-five cents, to a family, can be considered as a burdensome contribution for the support of Government. The rights and interest of the American people must, indeed, be estimated at a low rate by that man who would not cheerfully pay either of these sums for their defence.

Mr. Speaker, I have thought it my duty to submit these observations to the consideration of the House. I think the amendment I had the honor to move, important in the bearing it will have on the ease and comfort of individuals, and on the prosperity of the nation.

Mr. FINDLEY had no intention to detain this House by a reply to all the observations made by the honorable mover and the supporter of the motion, (Messrs. McKIM and WRIGHT,) because he presumed the principal effect these observations would have on the majority of the House, would be to convince them that the gentlemen themselves did not understand the subject. The resolution appeared highly objectionable on several grounds. It proposed to introduce the principle of excise with its host of officers, and which always has been and always will be a fertile source of perjury and frauds. It was so in this country during the small trial that was made of it, notwithstanding all the care of Government, and the numerous amendments from time to time made by Congress. In Britain it is well known that oaths respecting excises acquire no confidence either with the Government, or with the people. They have sometimes locked the distillers out of the still-houses, and sometimes locked them in for times prescribed, and they have appointed officers to watch other officers, and itinerant officers to watch all the others at uncertain times; but all does not do. No law can make officers honest where the temptations are so great, and the security depends only on oaths. Mr. F. appealed to the reports of the committee of Parliament on that subject. He added, that as in Britain excises were levied on a vast variety of subjects, and under perpetual appropriations to the support of the public debt, they could not be repealed. When the experiment was

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made in this country the excise was spread over but few objects. On the snuff the frauds were such as made it a certain loss to the revenue; therefore it was first postponed and afterwards repealed, and as soon as the excise on distilled spirits was released from the appropriations by the abundance of other revenues, it was also repealed after a fair experiment had been made; and he was confident that Congress would not now introduce that fertile source of corruption and discontent with respect to only a single item of the proposed taxes.

The opposition made on a former occasion to the excise on distilled spirits in a part of the two of the western counties in Pennsylvania has been brought into view by an honorable gentleman, with a view to give an impression as if in that place only it was disapproved of; but this was not the case. When President WASHINGTON was at Carlisle, where the right wing of the Army was on their march to the westward to suppress this opposition to the excise, Mr. F. said, that though there had been then no disturbance in the county in which he resided, yet another messenger and himself were sent with assurances to the President that the opposition was then in so great a measure suppressed, that the further march of the Army would not be necessary. The President, after expressing his regret that these assurances had not been given before the Army was rendezvoused, said that he knew that so great an army was not necessary for that object, but that there were great symptoms of discontent not only in other parts of that State but in Maryland, which were in danger of spreading still further. That on this account he had thought it his duty to call forth so great a force as not only to convince those who had given the disturbance, but all parts of the United States, that the citizens would, when called upon, turn out in support of the execution of their laws. Mr. F. said that the honorable member from Maryland who moved and supported the resolution will recollect, that about that time there were some disturbances in that State on the account of the excise. It was well known at that day that the patriotic army who marched on that occasion generally, when opportunity offered, declared their disapprobation of the excise system, but at the same time their abhorrence of an unconstitutional opposition to a Constitutional law. It is also well known that the repeal of the excise gave general satisfaction, while at the same time many thought the repeal of several other taxes that did not depend on the excise system improper.

Mr. F. said that though this was the greatest, it was not the only objection to the resolution. It was, besides this, unjust, impolitic, and deceptive—it was, in fact, a tax directly on agriculture—it was a tax on their rye-fields. By a letter on his table, just received, he was informed that his family had sold as much rye to the distillers as, with what will be distilled for his own family use, would produce by the proposed excise one hundred dollars tax, whereas the rye of which

it will be made would sell for about one-half that amount; and, estimating from the amount of the former direct tax, is about ten times as much as by the proposed direct tax will be charged on his whole plantation and stock. This he thought was both unjust and impolitic. It would be much better policy to charge it directly on the rye received by the distiller, at a proper estimate of what the bushels of rye would produce. This would be much more simple and certain, than charging it on the spirits distilled, by hired stillers, and which might easily be much of it disposed of without the knowledge of the owner, even if he was so honest as not to connive at it.

Much might be said against the impolicy of oppressing, if not destroying, a domestic manufacture so essentially connected with agriculture, it being the only method by which farmers, at a very inconvenient distance from market, can reduce their grain to such a portable form as to be the more easily carried to a distance. The attempt to do so is the more extraordinary at a time when every other manufacture is encouraged. But the honorable mover proposes to promote morality by rendering it more difficult to get drunk. Mr. F. said that if there were no spirits distilled from the produce of the farm, there are other beverages by the use of which people might and often did get drunk. The drunkard would have his drink. But not to detain the House further, he would assure the honorable mover that his estimated millions for the amount of the revenue thus to be obtained would vanish; if the resolution takes effect, he would put in no more rye than would be sufficient to feed his horses. He would not pay one hundred dollars of a tax on the produce of eight or ten acres of rye; and he would not be alone, it would be general. Being confident that the House will not suffer the well-digested system proposed by the Committee of Ways and Means to be contaminated by the corrupting systems of excise, nor a tax so unjust and deceptive to make a part of the system, he would enlarge no further.

Mr. GRUNDY.—Mr. Speaker: On the present motion to recommit so much of the report of the Committee of Ways and Means as respects the resolution immediately before us, in order to examine the amendment offered by the gentleman from Maryland, (Mr. McKIM.) I doubted the propriety of entering into the merits of that proposition, and therefore took no part in the discussion on yesterday; but from the course the debate has taken, I do not know that a more favorable opportunity will offer to express my views of this subject, not only in relation to the tax proposed by the gentleman from Maryland, but also in reference to the entire report of the Committee of Ways and Means. The honorable member from Maryland proposes to impose an excise of twenty-five cents per gallon on all spirits distilled from domestic materials (fruit excepted) within the United States. To this change in the plan of taxation digested by the Committee of Ways and Means, I have objections, not bottomed on the honest prejudices of the people

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alone, but upon the immutable principles of justice and equity, which will be violated by the operation of the proposed system, whenever it shall be resorted to in this country. Sir, I consider the measure proposed hostile to the personal liberty and security of the citizen, which legislators should at all times attentively regard; and I consider it also subversive of that general distribution of public burdens on various sections of the Union, which, as far as practicable, should be an object of primary attention. The principles of an excise system are justly odious in this and every other free country. Because they subject the domicile, and every apartment provided for the comfort of civilized man, to the unceremonious visit and search of a train of petty officers—men whose powers cannot be strictly defined by law—and, if defined, would too often be disregarded. The powers of such officers, if you mean that your laws shall be enforced, must be incompatible with the immunities held sacred in the domestic relations of society.

Permit me, sir, for a moment to glance at the causes out of which the contest in which we are about to engage has arisen. We complain (and justly) of violations of our national rights on the high seas; and to restore these rights to their legitimate standing, we have determined to exert our strength against one of the great belligerents of Europe, unless that Power shall within a short period voluntarily surrender its unjust pretensions, and cease its lawless aggressions on the persons and property of our citizens navigating the ocean. I admit, it is not for the benefit of commercial men alone we are contending; the best interests of the agriculturist are involved in the protection of commerce, which, as an independent nation, we can never relinquish. At the same time, I wish it to be understood, that I can never consent to destroy the internal tranquillity of the country for the attainment of an object not indispensable to our national existence. No, sir, I will never surrender the proud privilege of an American citizen to repose in quiet and safety under his own roof, for any consideration whatever. Let us consecrate the maxim that a man's house is his castle, where the owner finds an asylum in which he is sole master. Better would it be to leave our countrymen abroad to the changes and chances of fortune, than to subject our citizens at home to the arbitrary details of an excise duty on the products of their industry, which must lead to the destruction of individual liberty, happiness, and security. Sir, willing as I believe the people I have the honor to represent are to contribute their just proportion of any revenue which the exigencies of the country may require, and to exert their physical force to assert the rights and vindicate the honor of the country, yet I will never agree that their houses of every description shall be thrown open to the inspection of excise officers, who would often find a pretext for such a demand to evince the plenitude of their power, and from various motives would vex and harass the best citizens. These remarks I thought it proper to make, in order to

test the principle contained in the amendment offered by the gentlemen from Maryland. I entreat the House to remember, that principles do not change with circumstances, and that it is wholly inconsistent with the foundation of republican Governments, and with the genius of the American Constitution, to permit private property to be invaded at the arbitrary caprice of public functionaries.

I have said that a tax of twenty-five cents per gallon on whiskey will operate almost exclusively on particular sections of the country. It is a fact well known, that the Western States, to which may be added a part of Pennsylvania and Virginia, distil more whiskey than all the other States in the Union. And can gentlemen think it reasonable that these States should pay so great a proportion of the money to be raised by taxation?

Situated at a remote distance from the only market at which they can vend the surplus products of their labor, the inequality which would be introduced by this amendment would produce the most oppressive effects upon the people of the Western country. But, sir, we are told by the gentleman from Maryland, (Mr. McKim,) that a tax on this article will diminish the quantity consumed, and thereby check the vicious habits of intemperance, and promote the great cause of virtue and morality. In these moral reflections, on which the honorable gentleman seemed to dwell with so much zeal and confidence, it is a matter of astonishment that he did not include the consumers of brandy in the State in part represented by himself. Adopt the proposition of the gentleman, and the Maryland farmer who distils his two, three, or four thousand gallons of brandy from his large and profitable orchard, will pay to the United States the small sum of five dollars a year on each still employed, while the distillers of grain in the Western country are called on to distribute nearly one hundred per cent. on the present value of all the spirits distilled. I hope the honorable gentleman will commence his good work of reformation among the brandy-drinkers of his own State, before he strides over the Allegany to teach us lessons of temperance, and that, too, by the imposition of an enormous excise to enforce their observance. The injustice of the proposed tax is too obvious to require further illustration, and I should now dismiss the subject, but for the liberality of sentiment displayed by the gentleman from Vermont, (Mr. Fisk,) which claims a moment's attention. That gentleman it seems is in favor of this tax, because he sees in it a relief afforded to his Western brethren from the pressure of the direct tax. We duly appreciate the motives of the honorable gentleman, but as we cannot discern the advantages of relieving our constituents from the payment of about four hundred thousand dollars, by compelling them to pay four millions, he will excuse us for not accepting his beneficent offer. For, sir, in fact such would be the effect of that course of proceedings recommended by him. He says you can raise six mil

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lions six hundred thousand dollars annually by a tax of twenty-five cents per gallon on whiskey. Cannot every man see that at least four millions of this sum would fall on that section of the United States which I have before described, and this sum we are asked to pay to redeem ourselves from the payment of four hundred thousand, which will be nearly our proportion of the direct tax.

Mr. Speaker: There are other objections to the proposition of the gentleman from Maryland which deserve consideration. We all profess to desire the rapid promotion of our domestic manufactures; protecting duties are about to be voted on articles of foreign manufactures, to give to these, I mean our home establishments, a monopoly in the markets of this country; and, sir, are we not departing from principles of sound policy, when we single out any one article of domestic manufacture, and from it attempt to raise so extravagant a sum as six millions six hundred thousand dollars? This will in effect produce an increased consumption of imported spirits, and spirits distilled from foreign materials.

The plan proposed will be found deceptive in practice; the law will be evaded; the tax will be so oppressive as to tempt men strongly to violate it. And should this take place, or should the quantity distilled be greatly diminished, the revenue of the country will fail, which is an event in a state of war productive of the greatest calamities. Having declared my intention to vote for the entire report of the Committee of Ways and Means, I ask the indulgence of the House to state concisely some of the reasons which influence my conduct on this occasion.

At the opening of the present session of Congress, the President informed us that every effort to settle our differences with Great Britain by friendly negotiation had been employed without effect. Under such circumstances, as every other expedient had failed, we determined that the only justifiable course left was to put the nation in arms, and by force redress the violated rights and honor of an injured and insulted people. We accordingly provided for a large increase of the regular army, and took corresponding measures to meet that state of things which we shortly expect. The expenses incident to these preparations must of necessity be great; we were compelled to incur them, or relinquish the ground we have taken, and submit tamely to British insolence and outrage.

The debt has been created on the contingency of war, and we are bound by every moral and political consideration to provide immediately for the punctual discharge of the interest, without doing which no capitalist in the country will advance the sum required. Were we not to make this provision, I fear, sir, at the very commencement of this contest we should bankrupt the credit of the nation. It is admitted by all, that the sum asked for by the committee is the least which they could have demanded. They have submitted a plan by which it may be raised, and, unless some plan less objectionable can be proposed, we ought

surely to adopt that which has been offered. I frankly own, sir, that I have no substitute to tender which would not be liable to all the exceptions which have been taken to the report under consideration. I wish some gentleman would enter upon the task and perform it to the satisfaction of this House and the nation; for myself, I confess the want of talents to devise a plan of taxation, which shall fall more equally than this system upon every section of the country. I have strong objections to some of the resolutions for which I shall vote, taking them unconnected with the remainder of the report. The resolution before us is one of this description; it will bear heavily upon my constituents; but I discover, that they are almost entirely relieved from the operation of the duties on stamps, as now modified by the committee. Banks and commercial men will almost exclusively be affected by the latter, and, therefore, I do not consider it unreasonable in the committee to require the payment of a tax on stills, agreeably to their report. You cannot, Mr. Speaker, select any one article for taxation which will not be felt more sensibly by the people in one quarter of the country than in another; you must, therefore make several, and by causing one to operate upon the people in one direction, and another upon those who reside in a different part of the country, you will, as far as practicable, equalize a system of internal taxes. This, I believe, the Committee of Ways and Means have done to as much advantage as possible. I shall, therefore, not follow the example set me by the gentleman from Maryland, by proposing to raise the whole sum required upon some one article, by taxing which to an unreasonable amount, my district would be entirely relieved. I know my constituents would not wish to hear of my making such a proposition. I am willing, by a vote on these resolutions, to give a pledge to the lenders of money to the public, and I am willing to redeem it with good faith. For the people I represent, I ask no exemption from public burdens; but against that injustice which would be inflicted on them, should the proposition of the gentleman from Maryland succeed, I protest.

Mr. JOHNSON said he had, on a former day, listened with indifference to the proposition to levy an excise of twenty-five cents on each gallon of domestic distilled spirit of domestic materials throughout the United States. from a most thorough conviction that so unjust, so unreasonable, and so oppressive a tax would be rejected by a great majority, without exposing its tendency. He said he was not disappointed in that just and reasonable expectation of the views of the members of this House. He said twenty-five cents tax per gallon upon whiskey would be as ruinous to the people of the Western country as it would be unjust to that portion of the United States, who would never be backward in furnishing their just proportion of men and money to prosecute a war necessary to maintain inviolate their sovereignty and independence; but, whatever might be their willingness, they should not, with his vote be called upon to support a system which would

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be alone destructive to them by the inequality of its operation.

But, he said, he could not remain silent to hear the same gentleman seriously make a motion to re-commit the report from the Committee of Ways and Means, for the purpose of making the self-same proposition of laying a tax of twenty-five cents on whiskey and other distilled spirits, the prime cost of the article in the way of wholesale in the Western country. Upon the subject of taxation, he said, he had never entertained but one sentiment, and he never would agree to lay internal taxes upon the people of the United States, to support any permanent expensive establishment; that nothing on the present occasion should induce him to vote for taxes, but war. In consequence of this opinion, the Committee of Ways and Means had reported in one of their resolutions that the tax should not be levied until a declaration of war, or the issuing of letters of marque and reprisal; and, he said, he was a little surprised that any member should dislike such a resolution, and try to demonstrate to the people and the world that the taxes proposed were war taxes, and intended to meet that state of things. Another resolution declares, that the taxes shall not continue more than twelve months after the conclusion. With these resolutions incorporated and made a part of the system, he was astonished to hear gentlemen say that the people would be alarmed at these resolutions. He said he was never afraid of the people; they would act correctly; but he had more reason to fear that this House would be alarmed. He said the people understood their interests and their rights, and were not to be alarmed at a vindication of their rights and their independence. Mr. J. said that Mr. Gallatin had been called upon by the Committee of Ways and Means to furnish them with a system of internal taxation, predicated upon actual war with Great Britain. The Secretary was not a volunteer in proposing this system. In that letter, the Secretary had proposed ten cents upon distilled spirits from foreign materials, and three cents per gallon on domestic distilled spirits of domestic materials, which was considered equally hard upon the Western country when taken in connexion with the whole system proposed. Departing from this equal system, the gentleman from Maryland would raise it to twenty-five cents—a most unreasonable derangement of the whole plan. Mr. J. said that he had objected to this whiskey tax on account of the excise principle when it was before the Committee of Ways and Means, and upon his objections the excise part was changed to a direct tax upon the still, differing only in amount with the tax upon carriages or any other article; by which modification, numerous officers would not be employed, oaths would be dispensed with, no search would be made into the houses or cellars of distillers, nor would we have excise officers breaking locks and invading our firesides; and in this modification, the sum to be raised by a tax of three cents per gallon was reduced from \$400,000 to \$275,000, making a deduction of almost one-

half. These modifications were produced by a spirit of accommodation. And if the House continued to be animated by the same spirit, he said, the motion to commit would not succeed. The Secretary of the Treasury has told you, that a land tax, or rather a direct tax, would operate most severely upon the Western States, on account of their distance from market, their want of capital, their infant settlements; and, with a correct knowledge of the actual state of the different parts of the Union, the Secretary had, with his usual impartiality and discernment, given the House a system as nearly equal in its operation as the nature of the subject would admit; and it was evident, that if a material alteration was made upon it, chaos would prevail, and the whole plan be rejected; and then the enemies of the Government would say with triumph, that the Republican Administration could not vindicate and support the rights of the nation, and that their Representatives were afraid to trust the people to send the ways and means to avenge their own wrongs. Mr. J. said the House had been engaged a long time on the subject; despatch was necessary, that Congress might have a little time to listen to the warning voice which now comes from the Wabash, the Mississippi, and Detroit, which makes it probable that as soon as the season will admit, the savages will rush down upon the defenceless frontiers, and destroy their inhabitants.

Mr. WIDGERY.—Mr. Speaker, on a motion to recommit the report of the Committee of Ways and Means, I have not been able to discover how the arguments, either of the gentleman from Virginia, or those in answer to him, by the gentleman from North Carolina, can apply to the question before the House. Sir, I am of opinion that if I had suffered myself so far to have wandered from the question, I should deservedly have heard from the Chair. The question before the House is not the repeal of the non-intercourse, or whether we shall submit to the edicts of Great Britain. It is, will the House recommit the report for the purpose of amending it? To this subject I shall confine my argument. I am in favor of recommitting the report, first to amend it as respects the duty on imports. Many of these articles have already a duty of fifteen per cent. ad valorem; add to this one hundred per cent. and you will either prohibit them entirely, or you will give a bounty to smugglers, which will destroy the fair trader, as the smugglers will always be able to undersell him; and thus will the fair trader, who wishes to support the Government be obliged to give up his business or be ruined. The tonnage duty is also too high. The former tonnage duty was about fifty cents on the vessel, of foreigners, and six cents on our own vessels in the foreign trade. The committee have added a little over one hundred per cent. to the tonnage of foreigners, and upwards of four hundred per cent. on our own tonnage. If the tonnage was not very much out of the way heretofore, the committee have reversed the rule of all other nations. Great Britain has always encouraged her own merchantmen

by making a great distinction in favor of her own ship-owners, between them and foreigners; she is the greatest commercial nation in the world, according to the report. Our vessels in foreign trade must pay thirty-one cents per ton every time they enter, so that a vessel of three hundred and thirty tons, if she enters three times, must pay the Government upwards of three hundred dollars a year, over and above all her custom-house fees, and the hundred per cent. on the duties of her cargo. Why the committee should have added four times as much on tonnage as on merchandise, I am at a loss to imagine, nor do I believe the Chairman of the Committee of Ways and Means can give any good or satisfactory reason for so doing. In the case of tonnage, it operates as a direct tax on the owner, because while ships are plenty, lying by the wharves, no man will give one cent more on account of the tonnage. Sir, in the case of the salt tax, the maritime and middle country pay the whole, the Western section pay nothing. There are 1,500,000 people exempt from this duty on salt, because they have plenty from the salt springs. As this is a necessary of life on which the Western section of the Union pay nothing, they ought to be willing to pay an equivalent on something else.

It is true, these gentlemen say, they are willing to do their part in support of the war; yet when they are called on to augment the tax on whiskey they say their objection to that is the creation of excise officers, to which the people are very much opposed. Sir, there is a small tax on the capacity of the still, let this duty be multiplied on the still until it will give about twelve and a half cents on each gallon, as near as can be computed, which may be distilled in the course of a year. In that case the same persons who may collect the tax on the capacity of the stills, as now taxed, which does not exceed one cent and a third per gallon on the liquor, may collect it with as much ease when augmented, as they can if the amendment should not take place. This therefore will do away the difficulty of excise officers. I ask them to take but twelve and a half cents per gallon on their spirits, while in the maritime States we pay the duty proposed, sixty cents. This is a debt for which we are all alike liable. Surely, sir, the Western gentlemen cannot think hard to pay but one-fifth part as much as their friends in a different section of the Union, when they consider that we pay twenty cents on salt, from which they are exempt. Sir, the last internal tax which was laid amounted to \$989,533—Massachusetts paid of that tax \$282,566. According to the present system, Massachusetts will have to pay more than one-fourth of the internal tax, while she will not have more than one-ninth of the representation. Augment the whiskey tax as I propose, and you may do away your land tax altogether. There is in the United States distilled from home materials about 24,000,000 of gallons of spirits. This will give you \$3,000,000, which is about what is laid on the land. A land tax is the last tax which ought ever to be laid. Every kind of luxury ought to be taxed before the land.

The gentlemen say they are at a great distance from market. Be it so. Sir, the material from which the whiskey is chiefly distilled, is Indian corn. The middle country raise of this article about ten bushels to the acre; the Western country about fifty bushels to the acre, and with much less labor this article will give about two gallons to the bushel; so that the middle country can obtain about twenty gallons from one acre, while the Western country will give one hundred gallons—five times as much. This will more than pay for their extra distance from market; in addition to which, their liquor will bring them enough more at market to pay for the trouble of transporting it. Sir, Massachusetts will be willing to pay more than her part if necessary in defence of the just rights of the nation. But when a system of taxation is brought forth, it ought to be so modified as that each member of the Union should pay its due proportion of such taxes. It is said, this report is a system of compromise. Sir, I am not one of those humble imitators of any man, or any body of men, who will, without investigation, tamely submit to anything they may please to lay before me, and vote it down as law. We are told that when the bill comes in will be the proper time to amend. If the House are determined not to recommit, I will help to vote the report through, but with the same reserve I made when I agreed to reconsider the vote which went against the salt, if no amendment or modification takes place so as to have a more equal bearing on the different sections of the Union.

Mr. WRIGHT and Mr. FISK supported the motion.

[The arguments for and against the motion to-day, as well as yesterday, were grounded on the expediency or in expediency of an excise tax on whiskey. On the one hand, it was said, that, if the proposed tax of 25 or 28 cents per gallon on distilled spirits were to take effect, it would produce a revenue of five or six millions of dollars, and preclude the necessity of other taxes; that it would eventually be paid by the consumer, and would therefore operate equally; that domestic spirits ought to be taxed a little, when the duty on foreign spirits was about to be doubled, as there is no reason why a man who drinks brandy or rum and water should be made to pay double price, while the whiskey-drinker paid nothing; that the excise system was already proposed as to fine sugar, and might be extended to whiskey with much less inconvenience than would result from the collection of the variety of small taxes proposed by the Committee of Ways and Means.]

On the other hand, remarks were made on the severity with which this tax would operate on those who already have to bear the chief burden (with the least ability to pay it) of the land tax, viz: the people of the Western country; that, considering the paucity of their saleable productions in the Western country, a tax on whiskey, which would put a stop to its distillation, would wholly disable them from paying the land tax; that it was, besides, grievously heavy, partial, and unequal. The evils of an excise system were

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depicted in vivid colors; and it was said, that, although any tax on whiskey was unjust, and somewhat oppressive, they were willing to incur the responsibility of a tax on stills, rather than defeat the great work in which the nation was engaged.]

Mr. RANDOLPH moved a recommitment of the whole report to a Committee of the Whole.

This motion was supported by the mover at considerable length, and opposed by Mr. ALSTON, Mr. CHEVES, Mr. CALHOUN, and Mr. MACON.

[The recommitment of the report was supported on the ground that the budget of taxes reported was of the most oppressive character; that, moreover, they were unnecessary and impolitic, because Congress had only to repeal their own restrictive law, and revenue would accrue to the United States, to a much greater amount than was contemplated to be provided by the taxes under consideration.]

In reply, it was urged that the gentleman's project was a peace project, and not calculated for the exigency; that, besides, it would not produce the effect he anticipated, because commerce was destroyed by the orders of Great Britain, and by the municipal regulations of France; that all taxes are disagreeable, and though the committee had exercised much deliberation on the subject of their report, it might be expected there would be a difference of opinion on some items; but that now to recommit the report, as proposed, would be shrinking from the pressure of the crisis, and would stamp indelible disgrace on the House and nation.]

The question on recommitting the report was taken, and determined in the negative—yeas 34, nays 83, as follows:

YEAS—John Baker, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Richard Jackson, junior, Philip B. Key, Lyman Law, Joseph Lewis, jr., Robert Le Roy Livingston, Archibald McBryde, James Milnor, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jun., Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, Daniel Sheffield, Philip Stuart, Lewis B. Sturges, Benjamin Tallmadge, Laban Wheaton, Leonard White, and Thomas Wilson.

NAYS—Willis Alston, jun., William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Samuel L. Mitchell, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleas-

ants, junior, Benjamin Pond, William M. Richardson, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, Rich'd Stanford, William Strong, John Taliaferro, Uri Tracy, George M. Troup, Charles Turner, jr., Robert Whitehill, Richard Winn, and Robert Wright.

So, Mr. RANDOLPH's motion was negatived; and the House adjourned.

WEDNESDAY, March 4.

Mr. ORMSBY presented to the House a resolution of the Legislature of the State of Kentucky, instructing their Senators, and requesting their Representatives in Congress to procure a grant of ten thousand acres of land lying in the Territory of Louisiana to Daniel Boone.—Referred to the Committee on the Public Lands.

Mr. RHEA, from the Committee on Post Offices and Post Roads, presented a bill to alter and establish certain post roads; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. GOLD, from the committee appointed on the twenty-fourth ultimo, presented a bill providing for the removal of the causes depending in the respective District Courts of the United States, in case of the disability of the Judges thereof; which was read twice, and committed to a Committee of the Whole on Friday next.

FINAL SETTLEMENT CERTIFICATE.

Mr. GHOLSON, from the Committee of Claims, made a report on the petition of John Dixon; which was read, and referred to the Committee of the Whole on the report of the same committee made on the petition of John Murray.

The report is as follows:

That, from documents exhibited by the petitioner, it appears he is the assignee of Lucy Dixon, his mother, of a certificate which was issued in her favor by the Commissioner for settling the accounts of the Revolutionary war in the State of Virginia, for the sum of \$329 84.90, payable with six per cent. from the first day of January, 1781, and dated the 23d of December, 1786. The original certificate is produced, and, by an endorsement on it, it appears the interest was paid to the first of January, 1785; a certificate of the Register of the Treasury is likewise exhibited, showing that Lucy Dixon stands a creditor on the records of that Department for the said certificate, which "remains unliquidated by the United States."

As an apology (as it is presumed by the committee) for not presenting this claim at an earlier period, Lucy Dixon, in a petition formerly offered by herself, alleges that she, in the year 1793, left Virginia, and went to the State of Georgia, where she remained until 1799 or 1800; that on her return to her residence in Virginia, she, on looking over papers, found the certificate in question, and likewise others that were supposed to have been entirely destroyed; that she was ignorant as well of the value of such certificates as of the mode in which the law provided for their payment; that one of her sons took with him to the Mississippi Territory the said certificate, where he kept it until a few years

ago, when he returned it to her, and she shortly afterwards presented her petition for the amount of it.

From the foregoing statement, it would appear that there is no obstacle to the allowance of this claim but the statute of limitation. Your committee have recently, very respectfully, decided against the repeal of the law barring demands like the present. It is for the House to determine on the course they will pursue on this subject. The facts are faithfully detailed. Your committee, however, conforming to the rule by which it has been governed in similar cases, recommend the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

WAR TAXES.

The House resumed the consideration of the report of the Committee of the Whole on the report of the Committee of Ways and Means.

Mr. McKim said, as his motion to recommit the fifth resolution had given rise to some difficulty, and he had no disposition to embarrass, he would withdraw it, reserving to himself the right to renew it when the subject should come before the House in the shape of a bill.

The question recurring on the adoption of the fifth resolution, (for laying a tax on stills, &c.,) it was decided in the affirmative—yeas 67, nays 38, as follows:

YEAS—Willis Alston, jun., Stevenson Archer, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William Butler, John C. Calhoun, Langdon Cheves, Roger Davis, John Dawson, Samuel Dinsmoor, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Thomas K. Gold, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, William R. King, Abner Lacock, Peter Little, Robert Le Roy Livingston, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Samuel McKee, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jun., Benjamin Pond, Wm. M. Richardson, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, Adam Seybert, John Smilie, George Smith, John Smith, William Strong, John Taliaferro, Uri Tracy, George M. Troup, Charles Turner, jun., Pierre Van Cortlandt, junior, and William Widgery.

NAYS—William Anderson, John Baker, Abijah Bigelow, James Breckenridge, Elijah Brigham, Matthew Clay, William Crawford, John Davenport, jun., Joseph Desha, William Ely, James Fisk, Asa Fitch, Charles Goldsborough, Richard Jackson, jr., Philip B. Key, Lyman Law, Joseph Lefever, Joseph Lewis, jr., William McCoy, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, John Randolph, John Rhea, William Rodman, Daniel Sheffield, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, Robert Whitehill, Thomas Wilson, and Robert Wright.

The sixth resolution came next under consideration (for a tax on licenses to retailers of wines,

spirits, and foreign merchandise,) and was agreed to without debate—yeas 68, nays 42, as follows:

YEAS—Willis Alston, jun., William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Peter Little, Wm. Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, William McCoy, Samuel McKee, Alexander McKim, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jun., Wm. M. Richardson, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, Adam Seybert, John Smilie, George Smith, John Smith, William Strong, John Taliaferro, George M. Troup, Charles Turner, jun., Robert Whitehill, William Widgery, and Richard Winn.

NAYS—John Baker, Abijah Bigelow, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, William Ely, James Fisk, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Jacob Hufty, John M. Hyneman, Richard Jackson, junior, Philip B. Key, Lyman Law, Joseph Lefever, Joseph Lewis, jun., Robert Le Roy Livingston, Arunah Metcalf, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Timothy Pitkin, junior, Benjamin Pond, Elisha R. Potter, John Randolph, William Rodman, Daniel Sheffield, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Pierre Van Cortlandt, jun., Laban Wheaton, Leonard White, Thomas Wilson, and Robert Wright.

The seventh resolution (tax on sales at auction of foreign merchandise, &c.) was next agreed to—yeas 79, nays 34, as follows:

YEAS—Willis Alston, jun., William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Wm. Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thos. Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, Wm. Piper, James Pleasants, junior, Benjamin Pond, William M. Richardson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, Adam Seybert, John Smilie, George Smith, John Smith, William Strong, John Taliaferro, Uri Tracy, George M. Troup, Charles Turner, jr., Pierre Van Cortlandt, jr., Robert Whitehill, William Widgery, Richard Winn, and Robert Wright.

MARCH, 1812.

War Taxes.

H. OF R.

NAYS—John Baker, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, junior, William Ely, Asa Fitch, Thos. R. Gold, Charles Goldsborough, Edwin Gray, Richard Jackson, jun., Philip B. Key, Lyman Law, Joseph Lewis, jun., Robert Le Roy Livingston, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, junior, Elisha R. Potter, John Randolph, William Rodman, Daniel Sheffey, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, and Thomas Wilson.

The eighth resolution (for a tax of four cents per pound on refined sugar) was next agreed to—yeas 80, nays 38, as follows:

YEAS—Willis Alston, junior, William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, Lewis Condict, Wm. Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnston, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thos. Newbold, Thos. Newton, Stephen Ormsby, Israel Pickens, Wm. Piper, Jas. Pleasants, jr., Benjamin Pond, William M. Richardson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, Adam Seybert, John Smilie, George Smith, John Smith, William Strong, John Taliaferro, Uri Tracy, George M. Troup, Chas. Turner, jun., Robert Whitehill, Wm. Widgery, Richard Winn, and Robert Wright.

NAYS—John Baker, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, junior, William Ely, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Richard Jackson, junior, Philip B. Key, Lyman Law, Joseph Lewis, jr., Robert Le Roy Livingston, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, junior, Elisha R. Potter, John Randolph, William Reed, William Rodman, Samuel Shaw, Daniel Sheffey, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Pierre Van Cortlandt, jun., Laban Wheaton, Leonard White, and Thomas Wilson.

The ninth resolution (for laying a tax on carriages of pleasure, &c.) came next on the tapis.

MR. HURTY, after adverting to the great number of carriages in the State of New Jersey, of a peculiar and cheap construction, which would be severely taxed, moved an amendment going to exempt from a tax of three dollars, carriages on wooden springs, and to impose on such a tax of one dollar and fifty cents.

This motion was supported by Messrs. **HURTY**, **CONDICT**, and **WRIGHT**, and opposed by Messrs. **BACON**, **SEYBERT**, and **STANFORD**. The arguments for the motion were founded on the dis-

proportion of the amount of tax to the value of the article taxed, which generally cost less than \$100, &c. It was opposed on the ground that these carriages were nevertheless used by those well able to pay the tax, which was by no means disproportionate to the other taxes proposed.

The motion was lost—ayes only six or eight.

The question was then taken on the resolution as reported by the Committee, and carried in the affirmative—yeas 72, nays 48, as follows:

YEAS—Willis Alston, jun., William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Thos. R. Gold, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnston, Joseph Kent, William R. King, Abner Lacock, Peter Little, William Lowndes, Aaron Lyle, Thomas Moore, William McCoy, Saml. McKee, Alexander McKim, Arunah Metcalf, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, junior, Benjamin Pond, William M. Richardson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, John Sevier, Adam Seybert, John Smilie, George Smith, John Smith, John Taliaferro, Uri Tracy, George M. Troup, Charles Turner, junior, Robert Whitehill, William Widgery, and Richard Winn.

NAYS—John Baker, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Lewis Condict, John Davenport, junior, William Ely, James Emott, Asa Fitch, Chas. Goldsborough, Edwin Gray, Jacob Hufty, Richard Jackson, junior, Philip B. Key, Lyman Law, Joseph Lefever, Joseph Lewis, junior, Robert Le Roy Livingston, Nathaniel Macon, George C. Maxwell, Archibald McBryde, James Morgan, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, William Rodman, Samuel Shaw, Daniel Sheffey, Richard Stanford, Philip Stuart, Silas Stow, William Strong, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, Thomas Wilson, and Robert Wright.

The tenth resolution proposes a stamp tax on certain bank and other notes.

The question on the resolution was divided, on the suggestion of **MR. LITTLE**, so as to take a question, distinctly, on the two clauses of the resolution.

The question on that part which goes to tax bank notes at the rate of one dollar for every hundred dollars was carried—yeas 74, nays 43, as follows:

YEAS—Willis Alston, jun., Stevenson Archer, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias

Earle, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jun., Benjamin Pond, William M. Richardson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, John Sevier, Adam Seybert, John Smilie, George Smith, John Taliaferro, George M. Troup, Charles Turner, jun., Robert Whitehill, William Widgery, and Richard Winn.

NAYS—William Anderson, John Baker, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, jun., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Richard Jackson, jun., Philip B. Key, Lyman Law, Joseph Lefever, Joseph Lewis, jun., Robert Le Roy Livingston, George C. Maxwell, Archibald McBryde, James Morgan, Jonathan O. Moseley, Joseph Pearson, William Piper, Timothy Pitkin, jun., Benjamin Pond, Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, William Rodman, Daniel Sheffield, Richard Stanford, Philip Stuart, William Strong, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, and Thomas Wilson.

The other clause of the resolution proposes to lay a tax of five cents for every hundred dollars, on all endorsed notes of hand and bills of exchange.

This clause was objected to by Mr. LITTLE, on the ground of its oppressive nature and the odium which former experience had attached to it in the minds of the people. The small product it would afford would not go far to the support of the war; and he thought it might be dispensed with.

Mr. BACON replied that this tax was now so arranged as not to afford the same cause of complaint as former stamp taxes, because it would not operate on the poor, would subject the people in thinly-settled countries to no difficulty in obtaining them, and would generally affect only large capitalists or extensive traders in the cities.

Mr. McKIM said that, however oppressive he might deem this and perhaps all the other taxes, he felt in some degree pledged at present to vote for the whole report of the committee.

The question was taken on this clause and carried—yeas 65, nays 53, as follows:

YEAS—Willis Alston, jun., Stevenson Archer, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Desha, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, William R. King, Abner Lacock, William Lowndes, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Met-

calf, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, James Pleasants, jun., William M. Richardson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, John Sevier, Adam Seybert, John Smilie, George Smith, John Taliaferro, George M. Troup, Charles Turner, jun., Robert Whitehill, William Widgery, and Richard Winn.

NAYS—William Anderson, John Baker, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Matthew Clay, James Cochran, John Davenport, jun., Samuel Dinsmoor, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Richard Jackson, jun., Joseph Kent, Philip B. Key, Lyman Law, Joseph Lefever, Joseph Lewis, jr., Peter Little, Robert Le Roy Livingston, George C. Maxwell, Archibald McBryde, James Morgan, Jonathan O. Moseley, Joseph Pearson, William Piper, Timothy Pitkin, jun., Benjamin Pond, Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, William Rodman, Thomas Sammons, Samuel Shaw, Daniel Sheffield, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Laban Wheaton, Leonard White, Thomas Wilson, and Robert Wright.

The next resolution embraced the direct tax of three millions, to be apportioned as provided by the Constitution.

On this question a discussion took place, foreign to the question immediately before the House, viz: on a doubt stated by Mr. RANDOLPH, whether the tax was to be laid according to the present representation in Congress, or according to the number of the people of the United States as ascertained by the latest enumeration. Messrs. BACON, McKIM, LOWNDES, and WIDGERY declared their opinions in favor the latter mode; but Mr. RANDOLPH declared it to be a question of insuperable difficulty, inasmuch as, if the taxation was apportioned by the present Congress according to the last enumeration (which has not yet affected the representation) it would be a violation of the vital principle of the Constitution, that representation and taxation must go hand in hand.

The resolution was agreed to, on the question's being taken—yeas 77, nays 39, as follows:

YEAS—Willis Alston, jun., William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Desha, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jun., Benjamin Pond, William M. Richardson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, John Sevier, Adam Seybert,

MARCH, 1812.

War Tax.

H. OF R.

John Smilie, George Smith, John Smith, William Strong, John Taliaferro, George M. Troup, Charles Turner, jr., Robert Whitehill, William Widgery, Richard Winn, and Robert Wright.

NAYS—John Baker, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, junior, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Richard Jackson, junior, Philip B. Key, Lyman Law, Joseph Lewis, jun., Robert Le Roy Livingston, George C. Maxwell, Archibald McBryde, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, William Rodman, Daniel Sheffey, Richard Stanford, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, and Thomas Wilson.

The next resolution, that each State may pay the whole direct tax apportioned to its share, with a deduction of fifteen per cent. was agreed to—yeas 73, nays 37, as follows:

YEAS—William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jr., John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, John Sevier, Adam Seybert, John Smilie, George Smith, John Smith, William Strong, John Taliaferro, Uri Tracy, Charles Turner, jr., Robert Whitehill, William Widgery, and Robert Wright.

NAYS—John Baker, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, junior, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Richard Jackson, jun., Lyman Law, Joseph Lewis, jr., Robert Le Roy Livingston, Archibald McBryde, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, William Rodman, Daniel Sheffey, Richard Stanford, Philip Stuart, Lewis B. Sturges, Benjamin Tallmadge, Laban Wheaton, Leonard White, and Thomas Wilson.

Next came under consideration the resolution that the taxes thus laid shall not take effect until the commencement of the war, or until letters of marque and reprisal shall have been issued. This passed—yeas 80, nays 26, as follows:

YEAS—Willis Alston, junior, William Anderson, Stevenson Archer, Ezekiel Bacon, John Baker, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, James Breckenridge, Robert

Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Desha, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lefever, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, junior, William M. Richardson, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, John Sevier, Adam Seybert, John Smilie, George Smith, John Smith, Richard Stanford, William Strong, John Taliaferro, Uri Tracy, Charles Turner, junior, Robert Whitehill, William Widgery, Thomas Wilson, and Robert Wright.

NAYS—Abijah Bigelow, Harmanus Bleecker, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, junior, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Richard Jackson, junior, Lyman Law, Joseph Lewis, junior, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Philip Stuart, Lewis B. Sturges, Benjamin Tallmadge, Laban Wheaton, and Leonard White.

The next and last resolution reported by the Committee of Finance provides that these taxes shall continue no longer than one year after the conclusion of the war. Agreed to—yeas 72, nays 27, as follows:

YEAS—Willis Alston, junior, William Anderson, Stevenson Archer, Ezekiel Bacon, John Baker, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, James Breckenridge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, James Cochran, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Desha, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jun., Benjamin Pond, William M. Richardson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, John Sevier, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Taliaferro, Uri Tracy, Charles Turner, junior, William Widgery, Thomas Wilson, and Robert Wright.

NAYS—Abijah Bigelow, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, junior, William Ely, James Emott, Asa Fitch, Charles Goldsborough, Richard Jackson, junior, Lyman Law, Joseph Lewis, junior, Archibald McBryde, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, William Rodman, Richard Stanford, Philip

H. OF R.

Constitution of New Orleans—General St. Clair.

MARCH, 1812.

Stuart, Lewis B. Sturges, Benjamin Tallmadge, Laban Wheaton, and Leonard White.

The question was then taken on all the resolutions, taken together, and agreed to—yeas 56, nays 34, as follows:

YEAS—Willis Alston, William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Matthew Clay, Lewis Conduct, William Crawford, Roger Davis, John Dawson, Joseph Desha, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Aylott Hawes, John M. Hyneman, Richard M. Johnson, William R. King, Abner Lacock, Peter Little, William Lowndes, Aaron Lyle, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Jeremiah Morrow, Hugh Nelson, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jun., William M. Richards, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, John Sevier, John Smilie, George Smith, John Taliaferro, and Charles Turner, jr.

NAYS—John Baker, Abijah Bigelow, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, James Cochran, John Davenport, jun., William Ely, James Emott, Asa Fitch, Charles Goldsborough, Richard Jackson, jun., Lyman Law, Joseph Lewis, jun., Nathaniel Macon, Archibald McBryde, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, Wm. Reed, William Rodman, Thomas Sammons, Richard Stanford, Philip Stuart, Lewis B. Sturges, Benjamin Tallmadge, Leonard White, Thomas Wilson, and Robert Wright.

The resolutions were then referred to the Committee of Ways and Means, with directions to report by bill.

CONSTITUTION OF ORLEANS.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

At the request of the convention assembled in the Territory of Orleans on the 22d day of November last, I transmit to Congress the proceedings of that body in pursuance of the act, entitled "An act to enable the people of the Territory of Orleans to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States, and for other purposes."

JAMES MADISON.

MARCH 3, 1812.

The Message and accompanying documents having been read, a proposition was made to refer them to a select committee; but, before it was decided, the House adjourned.

THURSDAY, March 5.

The House resumed the consideration of the bill supplementary to the act for raising an additional military force. [The object of the bill is, to place on the same footing, as to rank, all the officers of each grade of the Army who may be appointed at the present session, so as to allow more time for a proper selection of the candi-

dates for military appointments.] The details of the bill having received some amendment, it was ordered to be engrossed for a third reading.

Mr. MOORE remarked that, in the system of discipline for the Army transmitted to Congress during the present session, in pursuance of a call from the House, there was no system of discipline for the cavalry, the necessity for which was certainly as great as for the other branches of our Army. He, therefore, proposed the following resolution:

"Resolved, That the President of the United States be requested to cause to be laid before the House a system of rules and regulations proper to be adopted for training and disciplining the cavalry of the Army and Militia of the United States."

Agreed to, and Mr. MOORE and Mr. HARPER were appointed a committee to present the same to the President.

A message from the Senate informed the House that the Senate have passed the bill "to alter the time of holding the Circuit Courts of the United States at Knoxville, in the district of East Tennessee," with amendments; and the bill "making further appropriation for the defence of our maritime frontier," also with amendments; in which they desire the concurrence of this House.

CONSTITUTION OF ORLEANS.

The House resumed the consideration of the motion of Mr. DAWSON, pending when the House yesterday adjourned, for reference of the constitution to a select committee.

Mr. POINDEXTER stated that the fourth section of the act of the last session, under which the constitution had been framed, provided that a separate instrument should be transmitted to Congress by the convention, recognising the Federal Constitution. It appeared that such an instrument had not been forwarded, although the Federal Constitution was recognised in the body of the instrument which was now before the House. He, therefore, moved an amendment going to instruct the committee to inquire into the expediency of repealing so much of the fourth section of the act of last session, as requires a separate instrument of recognition.

Mr. DAWSON accepted the proposed amendment as a part of his motion.

The constitution was then committed, with this instruction, to a select committee, comprised of the following members, viz: Mr. DAWSON, Mr. MACON, Mr. TROUP, Mr. JOHNSON, Mr. FINDLEY, Mr. BIGELOW, and Mr. POTTER.

GENERAL ST. CLAIR.

On motion of Mr. WRIGHT the House resolved itself into a Committee of the Whole on the bill for the relief of Arthur St. Clair. The bill directs the allowance at the Treasury, to the General, of "the sum of \$1,800, advanced by him on the 26th of October, 1776, for the recruiting service, with legal interest for the same from that date, deducting from the amount \$200 advanced to him on that account in May, 1810, and that the balance be paid," &c.

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Much debate took place on this claim, which was opposed and supported with considerable zeal. The Committee rose, and reported the bill without material amendment.

On motion of Mr. ALSTON, the bill was then so amended as to authorize the settlement of the claim at the Treasury, and the payment to General St. Clair of such balance as may, on such settlement, appear to be due to him.

A motion was then made by Mr. NELSON to recommit the bill, with a view to expunging the amendment just agreed to; because, Mr. N. said, General St. Clair's accounts having been burnt in the War Office, it would be impossible that he could ever bring them to a settlement at the Treasury.

The motion to recommit was agreed to, 51 to 47, and the House again resolved itself into a Committee of the Whole on the bill.

Mr. NELSON then moved to erase the amendment just adopted in the House; which motion, after debate, was agreed to; when the bill again came before the House, but before they decided on it, a motion was made to adjourn, and carried, 47 to 44.

FRIDAY March 6.

Mr. LEWIS presented a memorial of John Mason, of the District of Columbia, stating the many inconveniences which would result from the cutting of a canal around the western end of the causeway leading from Mason's Island to the Virginia shore of the Potomac river, and praying that, in case a canal be cut around the said causeway, the proprietors may be directed to conform to certain stipulations mentioned in the memorial.

Mr. LEWIS also presented a petition of the President and Directors of the Georgetown and Alexandria Turnpike Road Company, and a petition of the Mayor, Recorder, Aldermen, and Common Council of Georgetown, to the same effect with the memorial of John Mason.—Referred to the Committee for the District of Columbia.

Mr. JOHNSON presented a resolution of the General Assembly of the State of Kentucky, requesting the Senators and Representatives from that State in Congress to use their best exertions to procure a road to be opened, at the public expense, from New Orleans to the State of Kentucky, over a route designated in the said resolution.—Referred to the Secretary of War.

Mr. JOHNSON also presented sundry resolutions of the General Assembly of the State of Kentucky, upon the subject of the national militia; which were read, and ordered to lie on the table.

Mr. GHOLSON, from the Committee of Claims, presented a bill for the relief of John N. Stout; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. GHOLSON, from the same committee, also presented a bill for the relief of John S. West; which was read twice, and committed to a Committee of the Whole on Monday next.

On motion of Mr. POINDEXTER,

Resolved, That Allan B. Magruder, and Eligius Fromentin, agents from the Territory of Orleans, be admitted within the Hall of Representatives, anything in the rules and orders of the House to the contrary notwithstanding.

The House resolved itself into a Committee of the Whole, on the bill for the relief of Ninian Pinkney. [Mr. Pinkney is a Captain in the First Regiment of Infantry of the United States. His claim is for services rendered under an appointment as Brigade Major of the Army of the United States made by General Wilkinson, on 30th June 1800, and subsequently declared by the War Department to have been unauthorized. He prays that he may receive credit on the Accountant's books for money drawn as compensation for the services rendered whilst acting in that capacity, as his ordinary pay is now detained to that amount. The amount of the claim is somewhat upwards of \$700.] After considerable conversation on the bill, the question in the House on its passage to a third reading was negatived, 44 to 39.

The bills for the relief of Thomas Wilson and the relief of Thomas Orr, passed through Committees of the Whole, and were ordered to be engrossed for a third reading.

The amendments proposed by the Senate to the "bill to alter the time of holding the Circuit Courts of the United States at Knoxville, in the district of East Tennessee, in the State of Tennessee," were read, and concurred in by the House.

The House took up the order of the day being the bill for the relief of General St. Clair.

The question pending when the House yesterday adjourned, was negatived, 50 to 44.

The bill having been further amended, on motion of Mr. ROBERTS, by adding: "if the said sum shall be found due to him on a final settlement of his accounts with the United States"—was ordered to be engrossed for a third reading.

The bill supplementary to the act for raising an additional military force, was read a third time and passed.

The House resolved itself into a Committee of the Whole on the bill from the Senate "respecting the enrolling and licensing of steamboats;" and, after some time spent therein, the bill was reported without amendment, and ordered to be read the third time to-day.

The House resolved itself into a Committee of the Whole, on the bill providing for the removal of the causes depending in the respective District Courts of the United States in case of the disability of the judges thereof.

The bill provides "that so much of the act further to amend the judicial system of the United States passed the 28th of March, 1809, as requires the application of the district attorney, or marshal of the district, in writing, to authorize the exercise of the power therein given to a justice of the Supreme Court of the United States, shall be and hereby is repealed."

It appeared, from the conversation which took place on this bill, that the District Attorney and Marshal of the State of New York, had withheld

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the written application required by law in an existing case of the absence of the judge of that district from the State. The object of the bill was stated to be, to make it the duty of the judge of the Supreme Court to exercise the powers in such case given by law, on satisfactory evidence of the absence or inability of the district judge.

The bill was reported to the House and ordered to be engrossed for a third reading.

WEST FLORIDA.

Mr. JOHNSON submitted the following resolution:

“Resolved, That a committee be appointed to inquire into the situation of that part of West Florida west of the Perdido river, the possession of which was taken under the proclamation of the President of the United States on the 27th of October, 1810, and that the committee have leave to report by bill or otherwise.”

Mr. PITKIN inquiring the particular object of this motion—

Mr. JOHNSON replied that, by the proclamation of the President of the United States, the territory embraced by the resolution was attached to the Orleans Territory. It is well known that the constitution of that Territory, in conformity to the law of Congress, had arrived, and was now before the House. The Territory in question, not being included within the limits prescribed for the new State, must either be attached to some other government or included in a separate administration. In addition to this circumstance, there were many grievances of which the people of that Territory complained, which required investigation. He had a number of memorials in his possession, the reference of which, at a proper time, he would move to that committee.

The resolution was adopted, and Mr. JOHNSON, Mr. PLEASANTS, Mr. FRANKLIN, Mr. SEVIER, and Mr. CHITTENDEN, were appointed the committee.

TENNESSEE LANDS.

Mr. GRUNDY observed, that the great pressure of business of a general nature had heretofore prevented him from calling the attention of the House to a subject in which a large number of his constituents, as well as a portion of the citizens of North Carolina, felt a deep interest; that in the act (commonly called the cession act,) passed by North Carolina, by which that State vested in the United States the western part of that State, which now forms the State of Tennessee—there was a provision, that all the land claims then existing against North Carolina should be satisfied by the General Government. Congress, by accepting the cession, had bound the United States to comply with the condition upon which the cession was made. Although the General Government have already done much towards satisfying those claims, still much remains to be done; and the inquiry I propose to institute (said Mr. G.) is for the purpose of showing the propriety of taking such steps as will procure immediate satisfaction for claims which have already remained too long unsatisfied. It will be proper to observe, that the United States at this time

hold a tract of country in West Tennessee, to which the Indian title has been extinguished. So far as relates to it, there can be no doubt, but Congress ought to act; and as this will produce an investigation into the amount of unsatisfied claims, when the committee report on this subject, the necessity of extinguishing the Indian title for the purpose of satisfying these claims will be apparent to that department of the Government, within whose province it is to make treaties with the Indian tribes. Mr. G. observed, that the second provision of his resolution would be rendered more material, in case the Indian title to lands in West Tennessee should not be speedily extinguished; and all who had any knowledge of the origin of claims in that part of the country of which he was speaking, would readily admit it. The State of North Carolina, at an early period, authorized her citizens who had held claims of a particular description against that State, to locate lands in that part of the country in satisfaction of those claims. Many entries were made; the witnesses by whom the objects called for in those claims can be proved are but few, and the number rapidly diminishing; besides, even the objects themselves, on which the validity of many titles may depend, may so change in a long course of years, that the witnesses, if alive, may not be able to recognise them. I wish Congress to see plainly the true situation in which those claimants are placed, and no doubt can be entertained but that a suitable provision will be made. At present the laws of Congress prohibit any citizen from going into that part of the country, or doing any act whatever by which the evidence of his claim can be preserved. These men are, then, placed in this condition: they have paid North Carolina for the lands—the United States have pledged themselves that they shall be satisfied, and Congress by law have prohibited the claimants from securing those claims. This is certainly doing such injustice to fair purchasers, that I am persuaded this resolution will not only be adopted, but that the objects I have in view will be attained as speedily as the existing circumstances of the country will admit.

The following is the resolution offered by Mr. GRUNDY, which was agreed to:

“Resolved, That the Committee on Public Lands be directed to inquire, what further provisions are necessary to be made for satisfying such claims to lands, within the State of Tennessee, as are recognised by the act of cession from the State of North Carolina to the United States, and are not at this time located, and that they also inquire into the proper steps to be taken for perpetuating the testimony and establishing the claims to lands heretofore located (agreeably to the laws of North Carolina) in that part of the State of Tennessee to which the Indian title is not extinguished, and that they have leave to report by bill or otherwise.”

FORTIFICATIONS.

The House took up the Senate's amendment to the bill for the defence of our maritime frontier. [The amendment reduces the appropriation from one million to half a million of dollars.]

Messrs. BLACKLEDGE and PORTER opposed the

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amendment on the ground of the inexpediency of weakening the defence of our ports.

The question on concurrence was decided in the affirmative—yeas 60, nays 50, as follows :

YEAS—Willis Alston, jr., Ezekiel Bacon, David Bard, William W. Bibb, Adam Boyd, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Matthew Clay, James Cochran, William Crawford, Roger Davis, Joseph Desha, Samuel Dinsmore, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Joseph Kent, Abner Lacock, Joseph Lefever, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Thos. Newbold, Israel Pickens, James Pleasants, jr., Benjamin Pond, Peter B. Porter, John Rhea, John Roane, William Rodman, Ebenezer Sage, Ebenezer Scaver, Samuel Shaw, John Smilie, George Smith, John Smith William Strong, John Taliaferro, George M. Troup, Robert Whitehill, William Widgery, and Richard Winn.

NAYS—Stevenson Archer, John Baker, Burwell Bassett, Abijah Bigelow, William Blackledge, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Lewis Condict, John Davenport, jr., Wm. Ely, James Emott, James Fisk, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Isaiah L. Green, Richard Jackson, jr., William R. King, Lyman Law, Joseph Lewis, jr., Peter Little, James Milnor, Jonathan O. Moseley, Hugh Nelson, Thomas Newton, Timothy Pitkin, jr., Elisha R. Potter, William Reed, William M. Richardson, Henry M. Ridgely, Jonathan Roberts, Thomas Sammons, John Sevier, Daniel Shelley, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Charles Turner, jr., Laban Wheaton, Leonard White, Thomas Wilson, and Robert Wright.

So the appropriation now stands at \$500,000.

MONDAY, March 9.

Mr. NEWTON, from the committee to whom was referred the bill from the Senate "to promote the progress of science and useful arts, by securing, for a limited time, to the inventors, the exclusive right to their respective discoveries," reported several amendments thereto; which were read, and, together with the bill, committed to a Committee of the Whole on Wednesday next.

Mr. MITCHELL presented the petition of George Blagden and others, stating that they have claims against the United States to a considerable amount for work done on both wings of the Capitol under contracts made with the Superintendent of Public Buildings; praying that some provision may be made for the payment of the same.—Referred to the Committee of Claims.

UNCHARTERED BANKS.

Mr. GHOLSON said, he had been informed, through the newspapers and other channels entitled to his confidence, that an association was forming in the town of Alexandria to establish

an additional bank in that place without a charter of incorporation, provided the petition which had been presented to the other branch of the Legislature for one should fail. He said that no member would more cheerfully than himself grant to that association a bank charter, if the propriety or utility of such a measure could be shown. He, however, had always been decidedly opposed to the establishment of banks without legal authority. Many parts of the Union had, he believed, suffered from the inundation of paper emitted by unauthorized institutions of this sort. He was unwilling that this District should participate of such an evil. He would therefore submit to the House the following resolution :

Resolved, That the Committee on the District of Columbia be instructed to inquire into the expediency of prohibiting within said District the circulation of the notes of any bank not established by law, and that they have leave to report by bill or otherwise.

Mr. LITTLE moved that the resolution lie on the table; as he was informed that the association to which the gentleman had alluded, was about applying for a charter.

The motion of Mr. GHOLSON was opposed by Mr. ALSTON on the ground of the impropriety of Congress legislating on this subject, unless, indeed, it were to make every individual responsible for the notes of the bank, &c. It was supported by Mr. BASSETT, who deprecated the overwhelming torrent of bank paper, which flooded the country, which might eventually much injure those planters of Virginia or Maryland who should place confidence in the paper of unchartered banks, and by the insolvency of such institutions be left without redress.

The resolution was ordered to lie on the table.

BRITISH INTRIGUES.

The following Message was received from the PRESIDENT OF THE UNITED STATES :

To the Senate and House of Representatives of the United States :

I lay before Congress copies of certain documents which remain in the Department of State. They prove that at a recent period, whilst the United States, notwithstanding the wrongs sustained by them, ceased not to observe the laws of peace and neutrality towards Great Britain, and in the midst of amicable professions and negotiations on the part of the British Government, through its public Ministers here, a secret agent of that Government was employed in certain States, more especially at the seat of Government in Massachusetts, in fomenting disaffection to the constituted authorities of the nation; and in intrigues with the disaffected for the purpose of bringing about resistance to the laws; and eventually, in concert with a British force, of destroying the Union and forming the Eastern part thereof into a political connexion with Great Britain.

In addition to the effect which the discovery of such a procedure ought to have on the Public Councils, it will not fail to render more dear to the hearts of all good citizens that happy Union of these States, which, under Divine Providence, is the guarantee of their liberties, their safety, their tranquillity, and their prosperity.

JAMES MADISON.

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Mr. Henry to Mr. Monroe.

PHILADELPHIA, February 20, 1812.

SIR: Much observation and experience have convinced me, that the injuries and insults with which the United States have been so long and so frequently visited, and which cause their present embarrassment, have been owing to an opinion entertained by foreign States, "that in any measure tending to wound their pride, or provoke their hostility, the Government of this country could never induce a great majority of its citizens to concur."—And as many of the evils which flow from the influence of this opinion on the policy of foreign nations, may be removed by any act that can produce unanimity among all parties in America, I voluntarily tender to you, sir, such means, as I possess, towards promoting so desirable and important an object; which, if accomplished, cannot fail to extinguish, perhaps forever, those expectations abroad, which may protract indefinitely an accommodation of existing differences, and check the progress of industry and prosperity in this rising Empire.

I have the honor to transmit herewith the documents and correspondence relating to an important mission in which I was employed by Sir James Craig, the late Governor General of the British Provinces in North America, in the Winter of the year 1809.

The publication of these papers will demonstrate a fact not less valuable than the good already proposed; it will prove that no reliance ought to be placed on the professions of good faith of an Administration, which, by a series of disastrous events, has fallen into such hands as a Castlereagh, a Wellesley, or a Liverpool—I should rather say into the hands of the stupid subalterns, to whom the pleasures and the indolence of those Ministers have consigned it.

In contributing to the good of the United States by an exposition which cannot (I think) fail to solve and melt all division and disunion among its citizens, I flatter myself with the fond expectation that when it is made public in England it will add one great motive to the many that already exist, to induce that nation to withdraw its confidence from men whose political career is a fruitful source of injury and embarrassment in America; of injustice and misery in Ireland; of distress and apprehension in England; and contempt everywhere. In making this communication to you, sir, I deem it incumbent on me distinctly and unequivocally to state that I adopt no party views; that I have not changed any of my political opinions; that I neither seek nor desire the patronage nor countenance of any Government nor of any party; and that, in addition to the motives already expressed, I am influenced by a just resentment of the perfidy and dishonor of those who first violated the conditions upon which I received their confidence; who have injured me and disappointed the expectations of my friends, and left me no choice but between a degrading acquiescence in injustice, and a retaliation which is necessary to secure to me my own respect.

This wound will be felt where it is merited; and if Sir James Craig still live, his share of the pain will excite no sympathy among those who are at all in the secret of our connexion.

I have the honor to be, sir, your most obedient servant, &c.

J. HENRY.

To Hon. JAMES MONROE,
Secretary of State, &c.

No. 1.

Mr. Ryland, Secretary to Sir James Craig, late Governor General of the British Provinces in North America, to Mr. Henry.

Application to undertake the Mission to the United States.

[Most secret and confidential.]

QUEBEC, January 26, 1809.

MY DEAR SIR: The extraordinary state of things at this time in the neighboring States has suggested to the Governor-in-Chief the idea of employing you on a secret and confidential mission to Boston, provided an arrangement can be made to meet the important end in view, without throwing an absolute obstacle in the way of your professional pursuits. The information and political observations heretofore received from you were transmitted by his Excellency to the Secretary of State, who has expressed his particular approbation of them; and there is no doubt that your able execution of such a mission as I have suggested, would give you a claim, not only on the Governor General, but on His Majesty's Ministers, which might eventually contribute to your advantage. You will have the goodness, therefore, to acquaint me, for his Excellency's information, whether you could make it convenient to engage in a mission of this nature, and what pecuniary assistance would be requisite to enable you to undertake it, without injury to yourself.

At present, it is only necessary for me to add, that the Governor would furnish you with a cipher for carrying on your correspondence; and that, in case the leading party in any of the States wished to open a communication with this Government, their views might be communicated through you.

I am, with great truth and regard, my dear sir, your most faithful, humble servant,

HERMAN W. RYLAND.

JOHN HENRY, Esq.

No. 2.

General Instructions from Sir J. H. Craig to Mr. Henry, respecting his Secret Mission.

His Excellency the Governor-in-Chief's Instructions to Mr. Henry, of February, 1809.

[Most secret and confidential.]

QUEBEC, February 6, 1809.

SIR: As you have so readily undertaken the service which I have suggested to you, as being likely to be attended with much benefit to the public interests, I am to request, that, with your earliest convenience, you will proceed to Boston.

The principal object that I recommend to your attention, is, the endeavor to obtain the most accurate information of the true state of affairs in that part of the Union, which, from its wealth, the number of its inhabitants, and the known intelligence and ability of several of its leading men, must naturally possess a very considerable influence over, and will indeed probably lead the other Eastern States of America in the part that they may take at this important crisis.

I shall not pretend to point out to you the mode by which you will be most likely to obtain this important information; your own judgment, and the connexions which you may have in the town, must be your guide. I think it, however, necessary to put you on your guard against the sanguineness of an aspiring party. The Federalists, as I understand, have at all times discov-

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ered a leaning to this disposition ; and their being under its particular influence, at this moment, is the more to be expected, from their having no ill-founded ground for their hopes of being nearer the attainment of their object than they have been for some years past.

In the general terms which I have made use of in describing the object which I recommend to your attention, it is scarcely necessary that I should observe, I include the state of the public opinion, both with regard to their internal politics, and to the probability of a war with England ; the comparative strength of the two great parties into which the country is divided, and the views and designs of that which may ultimately prevail.

It has been supposed, that, if the Federalists of the Eastern States should be successful in obtaining that decided influence, which may enable them to direct the public opinion, it is not improbable, that, rather than submit to a continuance of the difficulties and distress to which they are now subject, they will exert that influence to bring about a separation from the general Union. The earliest information on this subject may be of great consequence to our Government, as it may also be, that it should be informed how far, in such an event, they would look up to England for assistance, or be disposed to enter into a connexion with us.

Although it would be highly inexpedient that you should in any manner appear as an avowed agent, yet, if you could contrive to obtain an intimacy with any of the leading party, it may not be improper that you should insinuate, (though with great caution,) that, if they should wish to enter into any communication with our Government, through me, you are authorized to receive any such, and will safely transmit it to me. And as it may not be impossible that they should require some document, by which they may be assured that you are really in the situation in which you represent yourself, I enclose a credential to be produced in that view. But, I most particularly enjoin and direct that you do not make any use of this paper, unless a desire to that purpose should be expressed, and unless you see good ground for expecting that the doing so may lead to a more confidential communication than you can otherwise look for.

In passing through the State of Vermont, you will of course exert your endeavors to procure all the information that the short stay you will probably make there will admit of. You will use your own discretion as to delaying your journey with this view, more or less, in proportion to your prospects of obtaining any information of consequence.

I request to hear from you as frequently as possible, and as letters directed to me might excite suspicion, it may be as well that you put them under cover to Mr. —, and as even the addressing letters always to the same person might attract notice, I recommend you sometimes addressing your packet to the Chief Justice here, or occasionally, though seldom, to Mr. Ryland, but never with the addition of his official description.

I am, sir, your most obedient humble servant,

JOHN HENRY, Esq.

J. H. CRAIG

Copy of the "credential" given by Sir James Craig to Mr. Henry.

The bearer, Mr. John Henry, is employed by me, and full confidence may be placed in him for any communication which any person may wish to make to me in the business committed to him. In faith of which I have given him this under my hand and seal at Quebec, the 6th day of February, 1809.

[Copies of the letters from Mr. Henry to Sir James Craig, relative to his mission to the United States, in the year 1809.]

No. 1.

Answer to the letter of Mr. Secretary Ryland, proposing the mission, &c.

MONTREAL, Jan. 31, 1809.

SIR : I have to acknowledge the favor of your letter of the 26th instant, written by the desire of his Excellency, the Governor-in-Chief, and hasten to express, through you, to his Excellency, my readiness to comply with his wishes.

I need not add how very flattering it is to receive from His Excellency the assurance of the approbation of His Majesty's Secretary of State, for the very humble services that I may have rendered.

If the nature of the service in which I am to be engaged will require no other disbursements than for my individual expenses, I do not apprehend that these can exceed my private resources.

I shall be ready to take my departure before my instructions can be made out.

I have the honor to be your most obedient servant,
J. H.

H. W. RYLAND, Esq., Secretary, &c.

No. 2.

To His Excellency the Governor General, &c., in answer to his letter of instructions, &c.

MONTREAL, Feb. 10, 1809.

SIR : I have the honor to acknowledge the receipt of your Excellency's letter of instructions, the letter of credence, and the cipher for carrying on my correspondence. I have bestowed much pains upon the cipher, and am, notwithstanding this, deficient in some points which might enable me to understand it clearly. I have compared the example with my own exemplification of the cipher, and find a difference in the results ; and as the present moment seems favorable to the interference of His Majesty's Government in the measures pursued by the Federal party in the Northern States, and more especially as the Assembly of Massachusetts is now in session, I think it better to set forward immediately, than wait for any further explanation of the means of carrying on a secret correspondence, which the frequency of safe private conveyances to Canada will render almost wholly unnecessary. Should it, however, be necessary at any time, I take leave to suggest that the index alone furnishes a very safe and simple mode. In it there is a number for every letter in the alphabet, and particular numbers for particular phrases ; so that when I do not find in the index the particular word I want, I can spell it with the figures which stand opposite to the letters. For example, if I want to say that "troops are at Albany," I find under the letter T, that No. 16 stands for "troops," and number 125 for "Albany ; the intervening words "are at" I supply by figures corresponding with the letters in these words.

It will be necessary to provide against accident by addressing the letters to Mr. —, of Montreal, with a small mark on the corner of the envelope, which he will understand. When he receives it he will then address the enclosure to your Excellency, and send it from Montreal by mail. I will be careful not to address your Excellency in the body of the letter, nor sign my name to any of them. They will be merely designated by the initials A. B.

If this mode should, in any respect, appear excep-

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tionable, your Excellency will have the goodness to order a more particular explanation of the card. It would reach me in safety enclosed to —, Boston.

I have the honor to be, with profound respect, your Excellency's most obedient servant, &c. J. H.

No. 3.

BURLINGTON, (Vt.) Feb. 14, 1809.

SIR: I have remained here two days in order fully to ascertain the progress of the arrangements heretofore made for organizing an efficient opposition to the General Government, as well as to become acquainted with the opinions of the leading people relative to the measures of that party which has the ascendant in the National Councils.

On the subject of the embargo laws there seems to be but one opinion: namely, that they are unnecessary, oppressive, and unconstitutional. It must also be observed, that the execution of them is so invidious as to attract toward the officers of Government the enmity of the people, which is of course transferable to the Government itself; so that, in case the State of Massachusetts should take any bold step toward resisting the execution of these laws, it is highly probable that it may calculate upon the hearty co-operation of the people of Vermont.

I learn that the Governor of this State is now visiting the towns in the northern section of it, and makes no secret of his determination, as Commander-in-Chief of the militia, to refuse obedience to any command from the General Government which can tend to interrupt the good understanding that prevails between the citizens of Vermont and His Majesty's subjects in Canada. It is further intimated that, in case of a war, he will use his influence to preserve this State neutral, and resist, with all the force he can command, any attempt to make it a party. I need not add that, if these resolutions are carried into effect, the State of Vermont may be considered as an ally of Great Britain.

To what extent the sentiments which prevail in this quarter exist in the neighboring States, or even in the eastern section of this State, I am not able to conjecture. I only say with certainty, that the leading men of the Federal party act in concert; and therefore infer that a common sentiment pervades the whole body throughout New England.

I have seen a letter from a gentleman now in Washington to his correspondent in this place; and, as its contents may serve to throw some light on passing events there, I shall send either the original, or a copy, with this despatch. The writer of the letter is a man of character and veracity; and, whether competent or not to form correct opinions himself, is probably within the reach of all the knowledge that can be obtained by the party to which he belongs.

It appears by his statement that there is a very formidable majority in Congress on the side of the Administration; notwithstanding which, there is every reason to hope, that the Northern States, in their distinct capacity, will unite, and resist, by force, a war with Great Britain. In what mode this resistance will first show itself is probably not yet determined upon; and may, in some measure, depend upon the reliance that the leading men may place upon assurances of support from His Majesty's representative in Canada; and as I shall be on the spot to tender this whenever the moment arrives that it can be done with effect, there is no doubt that all their measures may be made subordinate to the intentions of His Majesty's Government. Great pains are taken by the men of talents and intelligence

to confirm the fears of the common people, as to the concurrence of the Southern Democrats in the projects of France; and everything tends to encourage the belief, that the dissolution of the Confederacy will be accelerated by the spirit which now actuates both political parties. I am, &c. A. B.

No. 4.

WINDSOR, (Vt.) Feb. 19, 1809.

SIR: My last (No. 3) was written at Burlington, the principal town in the northern part of the State of Vermont. I am now at the principal town in the eastern section.

The fallacy of men's opinions, when they act under the influence of sensibility, and are strongly excited by those hopes which always animate a rising party, led me to doubt the correctness of the opinions which I received in the northern section of this State; which from its contiguity to Canada and necessary intercourse with Montreal, has a stronger interest in promoting a good understanding with His Majesty's Government. Therefore, since my departure from Burlington, I have sought every favorable occasion of conversing with the Democrats on the probable result of the policy adopted by the General Government. The difference of opinion is thus expressed. The Federal party declare that, in the event of a war, the State of Vermont will treat separately for itself with Great Britain; and support to the utmost the stipulations into which it may enter, without any regard to the policy of the General Government. The Democrats, on the other hand, assert, that in such a case as that contemplated, the people would be nearly divided into equal numbers; one of which would support the Government, if it could be done without involving the people in a civil war, but, at all events, would risk everything in preference to a coalition with Great Britain. This difference of opinion is not to be wholly ascribed to the prejudices of party. The people in the eastern section of Vermont are not operated upon by the same hopes and fears as those on the borders of the British colony. They are not dependent on Montreal for the sale of their produce nor the supply of foreign commodities. They are not apprehensive of any serious dangers or inconvenience from a state of war; and although they admit that the Governor, Council, and three-fourths of the representation in Congress are of the Federal party, yet they do not believe that the State would stand alone and resist the National Government. They do not, however, deny that, should the State of Vermont continue to be represented as it is at present, it would in all probability unite with the neighboring States in any serious plan of resistance to a war which it might seem expedient to adopt. This, I think, is the safer opinion for you to rely on; if, indeed, reliance ought to be placed on any measure depending upon the will of the rabble, which is ever changing, and must ever be marked with ignorance, caprice, and inconsistency. As the crisis approaches, the difficulty of deciding upon a hazardous alternative will increase; and, unfortunately, there is not in Vermont any man of commanding talents capable of attracting general confidence, of infusing into the people his own spirit; and, amidst the confusion of conflicting opinions, dangers, and commotion, competent to lead in the path of duty or safety. The Governor is an industrious, prudent man, and has more personal influence than any other; but his abilities are not suited to the situation in which a civil war would place him. I am, &c. A. B.

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No. 5.

AMHERST, (N. H.), Feb. 23, 1809.

SIR: A gentleman going direct to Canada affords a safe and favorable opportunity of giving you some further account of my progress.

I will not make use of the post offices when I can avoid it, because private occasions supersede the necessity of writing in cipher; and the contempt of decency and principles, which forms part of the morals of the subaltern officers of a democracy, would incline them to break a seal with the same indifference that they break their words, when either curiosity or interest is to be indulged.

I have not had sufficient time nor evidence to enable me to form any opinion for myself, of the lengths to which the Federal party will carry their opposition to the National Government in the event of a war; much may be inferred from the result of the election of Governors which, within two months, will be made in the States of Massachusetts, New Hampshire, and Rhode Island. From all I know, and all I can learn of the General Government, I am not apprehensive of an immediate war. The embargo is the favorite measure; and it is probable that other means will be employed to excite England to commit some act of hostility, for the sole purpose of placing the responsibility of war on that country. This I most particularly recommend to the consideration of Ministers. The dread of opposition, and of the loss of popularity, will certainly keep the ruling party at Washington inactive. They will risk anything but the loss of power; and they are well aware, that their power would pass away with the first calamity which their measures might bring upon the common people, from whom that power emanates, unless, indeed, they could find a sufficient excuse in the conduct of Great Britain. This impression cannot be too deeply felt by His Majesty's Ministers; nor too widely spread throughout the British nation. It will furnish a sure guide in every policy that may be adopted toward the United States.

I have the honor to be, &c.

A. B.

No. 6.

BOSTON, March 5, 1809.

SIR: I am favored with another opportunity of writing to you by a private conveyance; and think it probable, at this season, that the frequency of these will render it unnecessary to write to you in cipher.

It does not yet appear necessary that I should discover to any person the purpose of my visit to Boston; nor is it probable that I shall be compelled, for the sake of gaining more knowledge of the arrangements of the Federal party in these States, to avow myself as a regular authorized agent of the British Government, even to those individuals who would feel equally bound with myself to preserve, with the utmost inscrutability, so important a secret from the public eye. I have sufficient means of information to enable me to judge of the proper period for offering the co-operation of Great Britain, and opening a correspondence between the Governor General of British America, and those individuals who, from the part they take in the opposition to the National Government, or the influence they may possess in any new order of things that may grow out of the present differences, should be qualified to act on behalf of the Northern States. An apprehension of any such state of things as is pre-supposed by these remarks, begins to subside, since it has appeared, by the conduct of the General Government, that it is seriously

alarmed at the menacing attitude of the Northern States. But, although it is believed that there is no probability of an immediate war, yet no doubts are entertained that Mr. Madison will fall upon some new expedients to bring about hostilities. What these may be, can only be deduced from what appears to be practicable. A *non-intercourse* with England and France will probably supersede the embargo; which, by opening with the rest of Europe a partial, legitimate commerce, and offering strong temptations to that which is illegal, will expose the vessels to capture, detention, and embarrassment; will justify the present policy, and produce such a degree of irritation and resentment as will enable the Government of this country to throw the whole blame and responsibility of war from its own shoulders upon those of the British Ministry. If, in this, the party attached to France should calculate with correctness, and the commerce of New England should greatly suffer, the merchants, being injured and discouraged, would not only acquiesce in the restrictive system, but even submit to war. On the other hand, should the small traffic, permitted by a non-intercourse law, be lucrative and uninterrupted, the people would be clamorous for more, and soon compel the Government to restore the friendly relations between the two countries.

While I offer my opinion upon this subject, I cannot but express a strong hope that, if any terms should be proposed by either Government, to which the other might think proper to accede, that a principal motive to the adjustment of differences should be understood to arise from the amicable disposition of the Eastern States, particularly of the State of Massachusetts. This, as it would increase the popularity of the friends of Great Britain, could not fail to promote her interests. If it could not be done formally and officially, nor in a correspondence between Ministers, still, perhaps, the administration in the Parliament of Great Britain might take that ground, and the suggestion would find its way into the papers both in England and America.

It cannot be too frequently repeated, that this country can only be governed and directed by the influence of opinion, as there is nothing permanent in its political institutions; nor are the populace, under any circumstances, to be relied on, when measures become inconvenient and burdensome. I will soon write again, and am yours, &c.

A. B.

(In cipher.)

No. 7.

BOSTON, March 7, 1809.

SIR: I have now ascertained, with as much accuracy as possible, the course intended to be pursued by the party in Massachusetts that is opposed to the measures and politics of the Administration of the General Government.

I have already given a decided opinion that a declaration of war is not to be expected; but, contrary to all reasonable calculation, should the Congress possess spirit and independence enough to place their popularity in jeopardy by so strong a measure, the Legislature of Massachusetts will give the tone to the neighboring States, will declare itself permanent until a new election of members, invite a Congress, to be composed of delegates from the Federal States, and erect a separate Government for their common defence and common interest. This Congress would probably begin by abrogating the offensive laws, and adopting a plan for the maintenance of the power and authority thus assumed. They would, by such an act, be in a condition to make or receive proposals from Great Britain;

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and I should seize the first moment to open a correspondence with your Excellency. Scarcely any other aid would be necessary, and perhaps none required, than a few vessels of war from the Halifax station, to protect the maritime towns from the little Navy which is at the disposal of the National Government. What permanent connexion between Great Britain and this section of the Republic would grow out of a civil commotion, such as might be expected, no person is prepared to describe; but it seems that a strict alliance must result of necessity. At present the opposition party confine their calculations merely to resistance; and I can assure you that, at this moment, they do not freely entertain the project of withdrawing the Eastern States from the Union, finding it a very unpopular topic; although a course of events, such as I have already mentioned, would inevitably produce an incurable alienation of the New England from the Southern States.

The truth is, the common people have so long regarded the Constitution of the United States with complacency, that they are now only disposed in this quarter to treat it like a truant mistress, whom they would, for a time, put away on a separate maintenance, but, without further and greater provocation, would not absolutely repudiate.

It will soon be known in what situation public affairs are to remain until the meeting of the New Congress in May, at which time, also, this Legislature will again assemble. The two months that intervene will be a period of much anxiety.

In all I have written I have been careful not to make any impression analogous to the enthusiastic confidence entertained by the opposition, nor to the hopes and expectations that animate the friends of an alliance between the Northern States and Great Britain.

I have abstracted myself from all the sympathies these are calculated to inspire; because, notwithstanding that I feel the utmost confidence in the integrity of intention of the leading characters in this political drama, I cannot forget that they derive their power from a giddy, inconstant multitude; who, unless in the instance under consideration they form an exception to all general rules and experience, will act inconsistently and absurdly. I am yours, &c.

A. B.

No. 8.

BOSTON, March 9, 1809.

SIR: In my letter No. 6, I took the liberty to express my opinion of the probable effect of the non-intercourse law, intended to be enacted; and of the mode by which Great Britain may defeat the real intention of the American Government in passing it. But as this sort of impunity recommended might, in its application to every species of commerce that would be carried on, be deemed by Great Britain a greater evil than war itself, a middle course might easily be adopted, which would deprive France of the benefits resulting from an intercourse with America, without, in any great degree, irritating the maritime States.

The high price of all American produce in France furnishes a temptation which mercantile avarice will be unable to resist. The consequence is obvious. But if, instead of condemning the vessels and cargoes which may be arrested in pursuing this prohibited commerce, they should be compelled to go into a British port, and there permitted to sell them, I think the friends of England in these States would not utter a complaint. Indeed, I have no doubt that if, in the prosecution of a

lawful voyage, the British cruisers should treat the American ships in this manner, their owners would, in the present state of the European markets, think themselves very fortunate, as it would save them the trouble and expense of landing them in a neutral port, and from thence reshipping them to England, now the best market in Europe for the produce of this country. The Government of the United States would probably complain, and Bonaparte become peremptory; but even that would only tend to render the opposition in the Northern States more resolute, and accelerate the dissolution of the confederacy. The generosity and justice of Great Britain would be extolled; and the commercial States exult in the success of individuals over a Government inimical to commerce, and to whose measures they can no longer submit with patient acquiescence. The elections are begun; and I presume no vigilance or industry will be remitted to insure the success of the Federal party. I am, &c.

A. B.

P. S. Intelligence has reached Boston that a non-intercourse law has actually passed, and that Martinique has surrendered to British forces.

No. 9.

BOSTON, March 13, 1809.

SIR: You will perceive, from the accounts that will reach you in the public papers, both from Washington and Massachusetts, that the Federalists of the Northern States have succeeded in making the Congress believe that, with such an opposition as they would make to the General Government, a war must be confined to their own territory, and might be even too much for that Government to sustain. The consequence is, that, after all the parade and menaces with which the session commenced, it has been suffered to end without carrying into effect any of the plans of the Administration, except the interdiction of commercial intercourse with England and France, an event that was anticipated in my former letters.

Under what new circumstances the Congress will meet in May, will depend on the State elections and the changes that may in the mean time take place in Europe. With regard to Great Britain, she can scarcely mistake her true policy in relation to America. If peace be the first object, every act which can irritate the maritime States ought to be avoided, because the prevailing disposition of these will generally be sufficient to keep the Government from hazarding any hostile measures. If a war between America and France be the grand desideratum, something more must be done: an indulgent and conciliatory policy must be adopted, which will leave the Democrats without a pretext for hostilities; and Bonaparte, whose passions are too hot for delay, will probably compel this Government to decide which of the two great belligerents is to be its enemy. To bring about a separation of the States, under distinct and independent Governments, is an affair of more uncertainty, and, however desirable, cannot be effected but by a series of acts and a long continued policy tending to irritate the Southern and conciliate the Northern people. The former are agricultural, the latter a commercial people. The mode of cherishing and depressing either is too obvious to require illustration. This, I am aware, is an object of much interest in Great Britain, as it would forever secure the integrity of His Majesty's possessions on this Continent, and make the two Governments, or whatever number the present confederacy might form into, as useful and as much subject to the influence of Great

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Britain as her Colonies can be rendered. But it is an object only to be attained by slow and circumspect progression, and requires, for its consummation, more attention to the affairs which agitate and excite parties in this country than Great Britain has yet bestowed upon it.

An unpopular war, that is, a war produced by the hatred and prejudices of one party, but against the consent of the other party, can alone produce a sudden separation of any section of this country from the common head.

At all events, it cannot be necessary to the preservation of peace that Great Britain should make any great concession at the present moment, more especially, as the more important changes that occur in Europe might render it inconvenient for her to adhere to any stipulations in favor of neutral maritime nations.

Although the non-intercourse law affords but a very partial relief to the people of this country from the evils of that entire suspension of commerce to which they have reluctantly submitted for some time past, I lament the repeal of the embargo, because it was calculated to accelerate the progress of these States towards a revolution that would have put an end to the only Republic that remains to prove that a Government founded on political equality can exist in a season of trial and difficulty, or is calculated to insure either security or happiness to a people. I am, &c.

A. B.

No. 10.

BOSTON, March 29, 1809.

SIR: Since my letter of the 13th, nothing has occurred which I thought worthy of a communication.

The last weeks of this month, and the first of April, will be occupied in the election of Governors and other executive officers in the New England States.

The Federal candidate in New Hampshire is already elected by a majority of about one thousand votes. His competitor was a man of large fortune, extensive connexions, and inoffensive manners. These account for the smallness of the majority.

In Connecticut no change is necessary, and none is to be apprehended.

In Rhode Island it is of no consequence of what party the Governor is a member, as he has neither civil nor military power, being merely President of the Council.

In Massachusetts it is certain that the Federal candidate will succeed.

A few weeks will be sufficient in order to determine the relative strength of parties, and convince Mr. Madison that a war with Great Britain is not a measure upon which he dare venture. Since the plan of an organized opposition to the projects of Mr. Jefferson was put into operation, the whole of the New England States have transferred their political power to his political enemies; and the reason that he has still so many adherents is, that those who consider the only true policy of America to consist in the cultivation of peace, have still great confidence that nothing can force him (or his successor, who acts up to his system, or rather is governed by it,) to consent to war. They consider all the menaces and "dreadful note of preparation" to be a mere finesse, intended only to obtain concessions from England on cheap terms. From every sort of evidence, I confess I am myself of the same opinion, and am fully persuaded that this farce, which has been acting at Washington, will terminate in a full proof of the imbecility and spiritless

temper of the actors. A war attempted without the concurrence of both parties, and the general consent of the Northern States, which constitute the bone and muscle of the country, must commence without hope, and end in disgrace. It should, therefore, be the peculiar care of Great Britain to foster divisions between the North and South, and, by succeeding in this, she may carry into effect her own projects in Europe, with a total disregard of the resentments of the democrats of this country. I am, &c. A. B.

No. 11.

BOSTON, April 13, 1809.

SIR: I send to Mr. R—— a pamphlet entitled "Suppressed Documents." The notes and comments were written by the gentleman who has written the analysis which I sent by a former conveyance. These works have greatly contributed to excite the fears of the men of talents and property, who now prefer the chance of maintaining their party by open resistance and a final separation, to an alliance with France and a war with England; so that, should the Government unexpectedly, and contrary to all reasonable calculation, attempt to involve the country in a measure of that nature, I am convinced (now that the elections have all terminated favorably) that none of the New England States would be a party in it. But, as I have repeatedly written, the General Government does not seriously entertain any such desire or intention. Had the majority in the New England States continued to approve of the public measures, it is extremely probable that Great Britain would now have to choose between war and concession. But the aspect of things in this respect is changed, and a war would produce an incurable alienation of the Eastern States, and bring the whole country in subordination to the interests of England, whose navy would prescribe and enforce the terms upon which the commercial States should carry, and the agricultural States export, their surplus produce. All this is as well known to the democrats as to the other party; therefore, they will avoid a war, at least until the whole nation is unanimous for it. Still, when we consider of what materials the Government is formed, it is impossible to speak with any certainty of their measures. The past Administration, in every transaction, presents to the mind only a muddy commixture of folly, weakness, and duplicity. The spell by which the nations of Europe have been rendered inert and inefficient, when they attempted to shake it off, has stretched its shadows across the Atlantic, and made a majority of the people of these States alike blind to duty and to their true interests. I am, &c. A. B.

No. 12.

BOSTON, April 26, 1809.

SIR: Since my letter No. 11, I have had but little to communicate.

I have not yet been able to ascertain, with sufficient accuracy, the relative strength of the two parties in the legislative bodies in New England.

In all of these States, however, Governors have been elected out of the Federal party, and even the Southern papers indicate an unexpected augmentation of Federal members in the next Congress.

The correspondence between Mr. Erskine and the Secretary of State at Washington you will have seen before this can reach you. It has given much satisfaction to the Federal party here, because it promises an exemption from the evil most feared, (a war with

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England,) and justifies their partiality towards Great Britain, which they maintain was founded upon a full conviction of her justice, and sincere disposition to preserve peace. Even the democrats affect to be satisfied with it; because, as they insist, it proves the efficacy of the restrictive system of Mr. Jefferson.

But the great benefit that will probably result from it will be, that Bonaparte may be induced to force this country from her neutral position. Baffled in his attempts to exclude from the Continent the manufactures of Great Britain, he will most likely confiscate all American property in his dominions and dependencies, and declare war! Nothing could more than this contribute to give influence and stability to the British party. The invidious occurrences of the rebellion would be forgotten in the resentment of the people against France, and they would soon be weaned from that attachment to her which is founded on the aid that was rendered to separate from the mother country. While Great Britain waits for this natural, I might say necessary, result of the negotiation, would it not be extremely inexpedient to conclude a treaty with the American Government? Every sort of evidence and experience prove that the democrats consider their political ascendancy in a great measure dependent on the hostile spirit that they can keep alive towards Great Britain, and recent events demonstrate that their conduct will be predicated upon that conviction; it is, therefore, not to be expected that they will meet, with corresponding feelings, a sincere disposition on the part of England to adjust all matters in dispute. They are at heart mortified and disappointed to find that Great Britain has been in advance of the French Government in taking advantage of the provisional clauses of the non-intercourse law; and if they show any spirit at the next session of Congress towards France, it will be only because they will find Bonaparte deaf to entreaty and insensible of past favors; or that they may think it safer to float with the tide of public feeling, which will set strongly against him unless he keep *pari passu* with England in a conciliatory policy.

I am, &c.

A. B.

No. 13.

BOSTON, May 5, 1809.

SIR: Although the recent changes that have occurred quiet all apprehension of war, and, consequently, lessen all hope of a separation of the States, I think it necessary to transmit by the mail of each week a sketch of passing events.

On local politics I have nothing to add; and as the parade that is made in the National Intelligencer of the sincere disposition of Mr. Madison to preserve amicable relations with Great Britain is, in my opinion, calculated to awaken vigilance and distrust, rather than inspire confidence, I shall (having nothing more important to write about,) take leave to examine his motives.

I am not surprised at his conditional removal of the non-intercourse law, with respect to Great Britain, because it was made incumbent on him by the act of Congress; but the observations made on his friendly disposition towards Great Britain is a matter of no little astonishment. The whole tenor of his political life directly and unequivocally contradicts them. His speech on the British Treaty in 1796; his attempt to pass a law for the confiscation of "British debts" and British property; his commercial resolutions, grounded apparently on an idea of making America useful as a colony to France; his conduct while Secretary of

State; all form an assemblage of probabilities tending to convince me, at least, that he does not seriously desire a treaty in which the rights and pretensions of Great Britain would be fairly recognised. It seems impossible that he should at once divest himself of his habitual animosity, and that pride of opinion which his present situation enables him to indulge; but, above all, that he should deprive his friends and supporters of the benefit of those prejudices which have been carefully fostered in the minds of the common people towards England, and which have so materially contributed to invigorate and augment the democratic party. Whatever his real motives may be, it is, in this stage of the affair, harmless enough to inquire into the cause of the apparent change. He probably acts under a conviction that, in the present temper of the Eastern States, a war could not fail to produce a dissolution of the Union; or he may have profited by the mistakes of his predecessor, and is inclined to seize the present opportunity to prove to the world that he is determined to be the President of a nation, rather than the head of a faction; or he has probably gone thus far to remove the impression on the minds of many that he was under the influence of France, in order that he may, with a better grace, and on more tenable grounds, quarrel with Great Britain in the progress of negotiating a treaty. Whatever his motives may be, I am very certain his party will not support him in any manly and generous policy. Weak men are sure to temporize when great events call upon them for decision, and are sluggish and inert at the moment when the worst of evils is in action. This is the character of the democrats in the Northern States. Of those of the South I know but little. I am, &c.

A. B.

No. 14.

BOSTON, May 25, 1809.

SIR: My last was under date of the 5th instant. The unexpected change that has taken place in the feelings of political men in this country, in consequence of Mr. Madison's prompt acceptance of the friendly proposals of Great Britain, has caused a temporary suspension of the conflict of parties; and they both regard him with equal wonder and distrust. They all ascribe his conduct to various motives, but none believe him to be in earnest.

The State of New York has returned to the Assembly a majority of federal members. All this proves that an anti-commercial faction cannot rule the Northern States. Two months ago the State of New York was not ranked among the States that would adopt the policy of that of Massachusetts; and any favorable change was exceedingly problematical.

I beg leave to suggest that, in the present state of things in this country, my presence can contribute very little to the interests of Great Britain. If Mr. Erskine be sanctioned in all he has conceded, by His Majesty's ministers, it is unnecessary for me, as indeed it would be unavailing, to make any attempt to carry into effect the original purposes of my mission. While I think it to be my duty to give this intimation to you, I beg it may be understood that I consider myself entirely at the disposal of His Majesty's Government. I am, &c.

A. B.

No. 15.

MONTREAL, June 12, 1809.

SIR: I have the honor to inform your Excellency that I received, through Mr. Secretary Ryland, your

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Excellency's commands to return to Canada; and after the delay incident to this season of the year, in a journey from Boston, arrived here yesterday.

Your Excellency will have seen, by the papers of the latest dates from the United States, that a formidable opposition is already organized in Congress to the late measures of Mr. Madison; and it is very evident that, if he be sincere in his professions of attachment to Great Britain, his party will abandon him. Sixty-one members have already voted against a resolution to approve of what he has done; and I have no doubt the rest of the democratic party will follow the example as soon as they recover from the astonishment into which his apparent defection has thrown them.

The present hopes of the Federalists are founded on the probability of a war with France; but, at all events, this party is strong and well organized enough to prevent a war with England.

It would be now superfluous to trouble your Excellency with an account of the nature and extent of the arrangements made by the Federal party to resist any attempt of the Government unfavorable to Great Britain. They were such as do great credit to their ability and principles; and, while a judicious policy is observed by Great Britain, secure her interests in America from decay. My fear of inducing a false security on the part of His Majesty's Government in their efficiency and eventual success, may have inclined me to refrain from doing them that justice in my former letters which I willingly take the present occasion to express.

I trust your Excellency will ascribe the style and manner of my communications, and the frequent ambiguities introduced in them, as arising from the secrecy necessary to be observed, and my consciousness that you understand my meaning, on the most delicate points, without risking a particular explanation.

I lament that no occasion commensurate to my wishes has permitted me to prove how much I value the confidence of your Excellency, and the approbation already expressed by His Majesty's Minister. I have the honor to be, &c. J. H.

I certify that the foregoing letters are the same referred to in the letter of H. W. Ryland, Esq., dated May 1, 1809, relating to the mission in which I was employed by Sir James Craig, by his letter of instructions, bearing date February 6, 1809.

JOHN HENRY.

Mr. Ryland to Mr. Henry.

QUEBEC, May, 1, 1809.

MY DEAR SIR: The news we have received this day from the States will, I imagine, soon bring you back to us; and if you arrive at Montreal by the middle of June, I shall probably have the pleasure of meeting you there, as I am going up with Sir James and a large suite. The last letters received from you are to the 13th April. The whole are now transcribing, for the purpose of being sent home, where they cannot fail of doing you great credit, and I most certainly hope they may eventually contribute to your permanent advantage. It is not necessary to repeat the assurance that no effort within the compass of my power shall be wanting to this end.

I am cruelly out of spirits at the idea of old England truckling to such a debased and accused Government as that of the United States.

I am greatly obliged to you for the trouble you have taken in procuring the books, though, if Spain fails, I

shall scarcely have heart to look into them. I can add no more, but that I am, most heartily and affectionately, yours, H. W. R.

J. HENRY, Esq., Boston.

Mr. Ryland to Mr. Henry.

MAY 4, 1809.

MY DEAR SIR: You must consider the short letter I wrote to you by the last post as altogether unofficial; but I am now to intimate to you, in a more formal manner, our hope of your speedy return, as the object of your journey seems, for the present at least, to be at an end.

We have London news, by the way of the river, up to the 6th of March, which tallies to a day with what we have received by the way of the States.

Heartily wishing you a safe and speedy journey back to us, I am, my dear sir, most sincerely, yours,

H. W. R.

Have the goodness to bring my books with you, though I shall have little spirit to look into them, unless you bring good news from Spain.

JOHN HENRY, Esq.

Mr. Henry to Mr. Peel.

JUNE 13, 1811.

SIR: I take the liberty to enclose to you a memorial addressed to the Earl of Liverpool, and beg you will have the goodness either to examine the documents in your office, or those in my own possession, touching the extent and legitimacy of my claim.

Mr. Ryland, the Secretary of Sir J. Craig, is now in London, and, from his official knowledge of the transactions and facts alluded to in the memorial, can give any information required on that subject. I have the honor to be, &c. J. H.

Memorial of Mr. Henry to Lord Liverpool.

The undersigned most respectfully submits the following statement and memorial to the Earl of Liverpool:

Long before and during the administration of your Lordship's predecessor, the undersigned bestowed much personal attention to the state of parties, and to the political measures in the United States of America.

Soon after the affair of the Chesapeake frigate, when His Majesty's Governor General of British America had reason to believe that the two countries would be involved in a war, and had submitted to His Majesty's Ministers the arrangements of the English party in the United States for an efficient resistance to the General Government, which would probably terminate in a separation of the Northern States from the general Confederacy, he applied to the undersigned to undertake a mission to Boston, where the whole concerns of the opposition were managed. The object of the mission was to promote and encourage the Federal party to resist the measures of the General Government, to offer assurances of aid and support from His Majesty's Government of Canada, and to open a communication between the leading men engaged in that opposition and the Governor General, upon such a footing as circumstances might suggest; and, finally, to render the plans then in contemplation subservient to the views of His Majesty's Government.

The undersigned undertook the mission, which lasted from the month of January to the month of June, in-

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clusive, during which period those public acts and legislative resolutions of the Assemblies of Massachusetts and Connecticut were passed which kept the General Government of the United States in check, and deterred it from carrying into execution the measures of hostility with which Great Britain was menaced.

For his services on the occasions herein recited, and the loss of time and expenses incurred, the undersigned neither sought nor received any compensation, but trusted to the known justice and liberality of His Majesty's Government for the reward of services which could not, he humbly conceives, be estimated in pounds, shillings, and pence. On the patronage and support which was promised in the letter of Sir J. Craig, under date of the 26th January, 1809, (wherein he gives an assurance "that the former correspondence and political information transmitted by the undersigned had met with the particular approbation of His Majesty's Secretary of State; and that his execution of the mission, proposed to be undertaken in that letter, would give him a claim not only on the Governor General, but on His Majesty's Ministers,") the undersigned has relied, and now most respectfully claims, in whatever mode the Earl of Liverpool may be pleased to adopt.

The undersigned most respectfully takes this occasion to state that Sir J. Craig promised him an employment in Canada, worth upwards of one thousand pounds a year, by his letter, herewith transmitted, under date of September 13, 1809, which he has just learned has, in consequence of his absence, been given to another person. The undersigned abstains from commenting on this transaction, and most respectfully suggests that the appointment of Judge Advocate General of the province of Lower Canada, with a salary of five hundred pounds a year, or a Consulate in the United States, *sine curia*, would be considered by him as a liberal discharge of any obligation that His Majesty's Government may entertain in relation to his services.

Mr. Peel, Secretary to Lord Liverpool, to Mr. Henry.
DOWNING STREET, June 28, 1811.

SIR: I have not failed to lay before the Earl of Liverpool the memorial, together with several enclosures, which was delivered to me a few days since by General Loft, at your desire.

His Lordship has directed me to acquaint you that he has referred to the correspondence in this office of the year 1809, and finds two letters from Sir James Craig, dated 10th April and 5th May, transmitting the correspondence that has passed during your residence in the Northern States of America, and expressing his confidence in your ability and judgment, but Lord Liverpool has not discovered any wish on the part of Sir James Craig that your claims for compensation should be referred to this country, nor indeed is allusion made to any kind of arrangement or agreement that had been made by that officer with you.

Under these circumstances, and had not Sir James Craig determined on his immediate return to England, it would have been Lord Liverpool's wish to have referred your memorial to him, as being better enabled to appreciate the ability and success with which you executed a mission undertaken at his desire. Lord Liverpool will, however, transmit it to Sir James Craig's successor in the Government, with an assurance that, from the recommendations he has received in your

favor, and the opinion he has formed on your correspondence, he is convinced the public service will be benefited by your active employment in a public situation.

Lord Liverpool will also feel himself bound to give the same assurance to the Marquis Wellesley, if there is any probability that it will advance the success of the application which you have made to his Lordship.

I am, sir, your most obedient humble servant,

ROBERT PEEL.

J. HENRY, Esq., No. 27, Leicester Square.

Mr. Ryland to Mr. Henry.

TUESDAY EVENING, July 2, 1811.

MY DEAR HENRY: It gives me real pleasure to find that the apprehension I had formed with respect to the fulfilment of your expectations is likely to prove erroneous. As everything which passed, relative to your mission, was in writing, I think you will do well submitting to Mr. Peel all the original papers. I myself could give no other information relative to the subject, than what they contain, as you and I had no opportunity of any verbal communication respecting it till after your mission terminated, and I never wrote you a letter in the Governor's name, which had not previously been submitted to his correction.

The impression I had received of your character and abilities made me anxious to serve you, even before I had the pleasure of a personal acquaintance with you, and the same desire has operated on me ever since; I am, therefore, entitled to hope that any opinion which I may have given you, as to your best mode of obtaining an employment under Government, will be received with the same candor that gave rise to it. I think you will do well to persevere, as you propose. I have no doubt that every letter from you, which Sir James sent home, will be found in Mr. Peel's office, as the established practice there is to bind the despatches and enclosures yearly up together.

H. W. RYLAND.

JOHN HENRY, Esq., &c.

Mr. Henry to Mr. Peel.

27, LEICESTER SQUARE, LONDON,
September 4, 1811.

SIR: I have just learned the ultimate decision of my Lord Wellesley, relative to the appointment which I was desirous to obtain; and find that the subsisting relations between the two countries forbid the creating a new office in the United States, such as I was solicitous to obtain. In this state of things I have not a moment to lose in returning to Canada; and have taken my passage in the last and only ship that sails for Quebec this season. As I have not time to enter (*de novo*) into explanations with the gentleman who is in your office, and as I have received the assurances from you, in addition to the letter of my Lord Liverpool, of the 27th June, that "his Lordship would recommend me to the Governor of Canada for the first vacant situation that I would accept," I beg the favor of you to advise me how I am to get that recommendation without loss of time. I have the honor to be, &c.

J. HENRY.

ROBERT PEEL, Esq., &c.

Despatch of Lord Liverpool to Sir George Prevost.

DOWNING STREET, Sept. 16, 1811.

SIR: Mr. Henry, who will have the honor of delivering this letter, is the gentleman who addressed to

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me the memorial, a copy of which I herewith transmit, and to whom the accompanying letter from Mr. Peel was written by my direction.

In compliance with his request, I now fulfil the assurance which I have given of stating to you my opinion of the ability and judgment which Mr. Henry has manifested on the occasions mentioned in his memorial, and of the benefit the public service might derive from his active employment in any public situation in which you should think proper to place him.

I am, sir, your most obedient, humble servant,
LIVERPOOL.
To SIR GEORGE PREVOST, *Baronet, &c.*

[The following is the report of the Secretary of State, communicated to the Senate by the Message of the 12th March, 1812.]

DEPARTMENT OF STATE, *March 12, 1812.*

The Secretary of State, to whom was referred the resolution of the Senate of the 10th instant, has the honor to report: That this department is not in possession of any names of persons in the United States who have, in any way or manner whatever, entered into, or countenanced the project or the views for the execution or attainment of which John Henry was, in the year 1809, employed by Sir James Craig; the said John Henry having named no person or persons as being concerned in the said project or views referred to in the documents laid before Congress on the 9th instant. Which is respectfully submitted,

JAMES MONROE.

The Message and documents having been read, Mr. RHEA made a motion to print them.

Mr. PITKIN said, that he had no objection to the papers being printed, but that he rose to protest against the sentiments attributed in these papers to the Federal party, being considered as those of the citizens of the State which he had the honor to represent. He trusted it would not be believed that they had any knowledge of any mission of this kind from Canada, or from any other quarter.

It was the first time that he had heard that the opposition to the embargo in the States of Vermont or Massachusetts had any connexion with the British Government, or with any project of a separation of the Union in any manner, much less under the agency of a British spy. So far as he could understand the papers from the first reading, Mr. P. said they did not intimate that any disclosure had been made to any individual of the United States by Mr. Henry of the object of his mission, or that his scheme had been advocated or supported by any one. And I trust no gentleman will take the character of the parties in any section of this country, from a man who it seems has proved a traitor to his own Government. So far as the statements made in these papers may be considered as involving the party in concert with the Federal party, in any scheme of co-operation with the British Government in dividing the Union, it is one of the grossest libels that ever was uttered. Nor do I feel willing to take the character of the people of this country from the mouth of this man. He does not stop at debasing the character of the people of this

country, but he utters a libel against all parties and against the Government itself. He states that in the extra session of Congress in May, 1809, there were sixty-one votes against Mr. Madison, in consequence of his arrangement with Mr. Erskine; when we all know that the vote on the resolution approving of the President's conduct in that affair was no criterion by which to judge. While, therefore, gentlemen will not, as I presume they will not, place any confidence in the statements made by this man against themselves, and against those whom he styles Democrats, I trust they will be equally incredulous as to any statements he has made against those he has called Federalists, with respect to their co-operation with the British Government in dividing the Union. More especially as they come from one, who, disappointed at not receiving the promised reward from his Government, has turned traitor to his employers.

If, sir, there is any individual in this country, be he of whatever party he may, who has given countenance to this man as a British agent, and has joined him in a scheme of dividing the Union, under the auspices and with the aid of the British Government, I wish he may be known, and I sincerely hope that the House will institute an inquiry on this subject, and let every such man be held, as he ought to be, in contempt by all. I found it impossible, sir, to remain silent under the imputations thrown, or attempted to be thrown upon that section of the United States from which I came, by the papers just read. I will repeat my wishes that the whole business may be fully and promptly developed.

Mr. BIBB said he agreed with the gentleman who just sat down on one point, that a full investigation ought to be had. It was due to the Congress, to our connexions with Great Britain, that an inquiry should be made into the transaction now exposed to view; and, in addition to the motion for printing, he should move a reference of the Message to the Committee of Foreign Relations.

Mr. WIDGERY said it was an old saying among gunners, that you may know the wounded pigeons by their fluttering. He would not undertake, as the gentleman from Connecticut had done, to exonerate his constituents in a body from any implication in this business. One thing, he said, he knew, that the relation given in these documents so exactly coincided with the conduct of some gentlemen in the quarter in which he lived, that he was led to believe in their truth. It by no means followed, because this man had been a spy, that he could not tell the truth. When we look back to the times at which his letters were written, we must believe in their substantial truth. He called upon gentlemen to say, if the conduct of certain characters in those days did not warrant all that was stated of their designs. Let the papers be printed, Mr. W. said, and every one will be able to judge for themselves. Are we to shut our proceedings from the public view in this way, by refusing to publish these things? It is one of the most important communications

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made to Congress at the present session, and why should not the people see it? Let them see and judge. I will make no comments, sir, on this business; but I will say, that it is well known that at the time alluded to in those documents, an opposition to the laws and Government was organized. Mr. W. said he had full confidence in the truth of these documents, and he had therefore no disposition to keep them from his constituents. The House was in duty bound to give full publicity to these papers by printing them.

Mr. PITKIN disavowed any intention to oppose the printing of these papers.

Mr. GHOLSON said, it was a source of gratification to him, that, so far as the papers communicated by the President could be considered evidence at all, they were certainly highly honorable testimony in favor of the Eastern section of the Union. An emissary of great talents had been employed by the British in a nefarious scheme to dismember the United States, and to engender treason in the very bosom of our country: and yet, Mr. G. said, it does not seem that this spy has been able to connect with himself any citizen of the United States. If he had held correspondence with any persons of distinction, the presumption is, their names would have been disclosed in the papers that have been read. Mr. G. was happy in cherishing the belief that the liberties of this country would always find a sufficient guarantee against machinations of this sort, in the patriotism of every portion of the Union. This communication, for which the House was indebted to the President, was highly interesting and important in one point of view. It demonstrated, as matter of fact, what had heretofore remained only speculation and conjecture, that the British Government has long meditated the separation of these States; and what is more, that they have actually attempted the execution of this wicked design, and have endeavored to convert our own citizens into traitors! He would say no more.

Mr. QUINCY said, he was much obliged to the gentleman last up for the view which he had taken of the subject. It had struck him previously with much force, and he meant to have taken the floor to have expressed it. If ever there had existed in the British Government, or any other Government, an idea that there was a party in this country who would associate with it to dissolve this Union, he thanked God that the project was exposed. If it was true, as these papers stated, that this man had been so employed, he thanked God that the mission had been detected. The Administration, in bringing the subject before the House, had done worthily, and the subject ought to be inquired into. What is the fact, admitting all that this person has said to be true? Why, that an agent from the British Government, under circumstances peculiarly auspicious and suitable to his purpose, goes to the spot which he represents as the hotbed of opposition, to stir up disunion, and his papers do not contain an intimation that he dared to mention

such an idea as that of a dissolution of the Union to any individual. No, sir; and I dare to say that he never did mention such a thing to any distinguished individual. As far as I know the sentiments of gentlemen in that quarter, they hold this Union dear, and look upon such a connexion as is supposed in these papers with as much abhorrence as any man, however attached he may be to the administration of the Government. Whenever a dismemberment of the Union has been talked of, it has been with awe, and with a fear that the present course of public measures would lead to such an event, and not with a view to bring it about. Sir, I know that other ideas have been spread over the country for the purpose of serving party views. But here, in this temple of our liberties, let us reason with one another according to the evidence before us. I rejoice that the subject has been brought forward, and that an agent so peculiarly adapted to the business in which he was employed has not been able to furnish any evidence of even the connivance of any individual at his mission.

Mr. RHEA said, at the time he had made the motion for printing, he had not the least idea that any opposition would be made to it. He did not say whether these papers were true or not true; whether they attacked any people or not. He hoped, therefore, the discussion of these points would cease. It was no reason against the publication of these documents that they had been disclosed by a British agent. [The SPEAKER observed that no objection had been made by any gentleman to the printing.] All the transactions respecting Andre and Arnold had been printed, so far as the Congress could lay their hands on them; and why not these? If this man be a British spy or traitor, as he has been called, and what he states is not true, one thing is admitted: that the British are capable of employing persons of infamous character, by fabrications like these, to throw an odium on particular sections of the country. So that, on any view, this affair should be disclosed, if it were only to produce a firm union among the people. We all remember the publications of the period to which these papers refer, and the declarations then made; but all these would not induce me, at this moment, to say that all Mr. Henry says is true. This will be better understood when the committee shall make their report.

Mr. SEYBERT moved to increase the number of copies proposed to be printed to 5,000.

Mr. WRIGHT said, that such an extraordinary communication as that just received from the President, reflecting so much on various sections and parties of the Union, required serious consideration before they consented to publish such gross abuse of every portion of our people. Gentlemen should reflect that this very disclosure might be one of the means used by this miscreant to divide this country. If he wished to promote division, how could he better attain his object than by denouncing the people of a particular section? Who is this man, and where is he? is an inquiry that ought to be made. I am not one